

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

Executive Order No. 66(1978) Expiration Date

Chapter 3, All Utilities, expires on February 3, 2002.

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.1984 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: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. DEFINITIONS

14:3-1.1 Words defined

SUBCHAPTER 2. PLANT

- 14:3-2.1 Plant construction
- 14:3-2.2 Inspection of work performed by contractors
- 14:3-2.3 Foreign construction on utility poles
- 14:3-2.4 Identification of buildings and structures
- 14:3-2.5 Identification of poles or structures supporting wires; fire hydrants
- 14:3-2.6 Maintenance of plant, equipment and facilities
- 14:3-2.7 Inspection of property
- 14:3-2.8 Construction work near utility facilities

SUBCHAPTER 3. SERVICE

- 14:3-3.1 Duty
- 14:3-3.2 Applications
- 14:3-3.3 Customer information
- 14:3-3.4 Permits
- 14:3-3.5 Refusal to connect
- 14:3-3.6 Basis of discontinuance of service
- 14:3-3.7 Basis for restoration
- 14:3-3.8 Access to customer's premises
- 14:3-3.9 Interruptions
- 14:3-3.10 Service call scheduling

SUBCHAPTER 4. METERS

- 14:3-4.1 Ownership
- 14:3-4.2 Location
- 14:3-4.3 Access
- 14:3-4.4 Equipment for testing
- 14:3-4.5 Tests by utility on request
- 14:3-4.6 Tests by Board on request
- 14:3-4.7 Adjustment of charges
- 14:3-4.8 Meter test reports
- 14:3-4.9 Meter records
- 14:3-4.10 Meter replacement

SUBCHAPTER 5. OFFICES

14:3-5.1 Location

- 14:3-5.2 Personnel to be contacted
- 14:3-5.3 Emergency telephone numbers

SUBCHAPTER 6. RECORDS

- 14:3-6.1 Location and examination
- 14:3-6.2 Plant and operating
- 14:3-6.3 Periodic reports
- 14:3-6.4 Accidents
- 14:3-6.5 Public records
- 14:3-6.6 Telephone system information

SUBCHAPTER 7. BILLS AND PAYMENTS FOR SERVICE

- 14:3-7.1 Deposits for metered and telephone service
- 14:3-7.2 Deposits to insure credit of new customers
- 14:3-7.3 Customers in default
- 14:3-7.4 Receipts and records
- 14:3-7.5 Return of deposits
- 14:3-7.6 Unmetered service
- 14:3-7.7 Information for customers
- 14:3-7.8 Record of customer's account
- 14:3-7.9 Form of bill for metered service
- 14:3-7.10 Form of bill for unmetered service
- 14:3-7.11 Method of billing
- 14:3-7.11A Requirements for budget billing and payment plans of gas and electric utilities for residential accounts
- 14:3-7.12 Notice of discontinuance
- 14:3-7.12A Winter termination of residential electric and gas service (Winter Termination Program)
- 14:3-7.13 Disputes as to bills
- 14:3-7.14 Discontinuance of service to tenants
- 14:3-7.15 Notification to municipalities of discontinuance of gas and electric service to residential customer
- 14:3-7.16 Diversion of service

SUBCHAPTER 8. SUGGESTED FORMULAE FOR EXTENSION OF UTILITY SERVICE

- 14:3-8.1 General provisions
- 14:3-8.2 Residential land developer; extension other than telephone
- 14:3-8.3 Individual residential customer; extension other than telephone

SUBCHAPTER 9. GENERAL PROVISIONS

- 14:3-9.1 Rules not retroactive
- 14:3-9.2 Deviation and modification
- 14:3-9.3 Tariffs
- 14:3-9.4 Authority
- 14:3-9.5 Prior rules
- 14:3-9.6 Rates; difference from filed tariffs

SUBCHAPTERS 10 THROUGH 11. (RESERVED)

SUBCHAPTER 12. UTILITY MANAGEMENT AUDITS

- 14:3-12.1 Applicability
- 14:3-12.2 Initiation of audit
- 14:3-12.3 Performance of audit
- 14:3-12.4 Results of audit
- 14:3-12.5 Implementation of results

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

- 14:3-13.1 Scope
- 14:3-13.2 Definitions
- 14:3-13.3 Interest rate
- 14:3-13.4 Interest calculation

- 14:3-13.5 Tariff language requirement

SUBCHAPTER 1. DEFINITIONS

14:3-1.1 Words defined

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 such utility.

“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”.

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).

SUBCHAPTER 2. PLANT

14:3-2.1 Plant construction

(a) The construction and installation of plant and facilities of the utilities must be in accordance with standard utility practice. Each utility shall make reasonable efforts to protect the public and its property from injury or damage and shall exercise due care to reduce hazards to which employees, customers, and the general public may be subjected by reason of its equipment and facilities.

(b) The various utilities should cooperate to the greatest extent practicable to reduce or eliminate interference among the different systems.

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".

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.

5. Whenever the high temperature is forecast to be 32 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 of a delinquent account, failure to pay a cash security deposit or guarantee, or failure to comply with the terms of a deferred payment plan. The utilities may rely on forecasts obtained from national weather stations covering their utility facilities, including the Newark Weather Station and the Atlantic City Airport Weather Station.

(d) Discontinuance of residential service for nonpayment is prohibited if a medical emergency exists within the premises which would be aggravated by a discontinuance of service and the customer gives reasonable proof of inability to pay. Discontinuance shall be prohibited for a period of up to two months when a customer submits a physician's statement, in writing, to the utility as to existence of the emergency, its nature and probable duration, and that termination of service will aggravate the medical emergency. Recertification by the physician as to a continuance of the medical emergency shall be submitted to the utility after 30 days. However, at the end of such period of emergency, the customer shall still remain liable for payment of service(s) rendered, subject to the provisions of N.J.A.C. 14:3-7.13. During the period of medical emergency, the customer shall pay telephone tolls which are in excess of the average bills of the six months preceding the first 30-day period.

1. The Board may extend the 60-day period for good cause. Such an extension shall be requested in writing by the customer and be accompanied by a current physician's note. Pending the Board's consideration and decision, utility service shall not be discontinued.

2. Public utilities may in their discretion delay discontinuance of residential service for nonpayment prior to submission of the physician's statement required by this subsection when a medical emergency is known to exist.

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.

Cross References

Residential electric and gas service, winter termination program, see N.J.A.C. 14:3-7.12A.

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.

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.

14:3-3.7 Basis for restoration

Service shall be restored within 24 hours upon proper application when the conditions under which such service was discontinued are corrected, and upon the payment of all proper charges due from the customer provided in the tariff of the utility, or if the Board so directs when a complaint involving such matter is pending before it.

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

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

Inserted 24 hour deadline for service.

14:3-3.8 Access to customer's premises

(a) The utility shall have the right of reasonable access to customer's premises, and to all property furnished by the utility, at all reasonable times for the purpose of inspection of customer's premises incident to the rendering of service, collection of coin boxes, reading meters, or inspecting, testing, or repairing its facilities used in connection with supplying the service, or for the removal of its property. The customer shall obtain, or cause to be obtained, all permits needed by the utility for access to the utility's facilities. Access to the utility's facilities shall not be given except to authorized employees of the utility or duly authorized governmental officials.

(b) In the case of defective service, the customer shall not interfere or tamper with the apparatus belonging to the utility but shall immediately notify the utility to have the defects remedied.

14:3-3.9 Interruptions

(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. Each utility shall keep a record for a period of one year of each reported interruption of service.

(b) 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. Interruptions to service by reason of any act of God, accident, strike, legal process, or governmental interference, where service to customers is interrupted for at least two hours, in accordance with the chart below, shall be reported to the Board by each utility by the speediest means of communication available followed by a detailed written report.

Customers Served	Customers Interrupted
500 or less	20
501 to 1,000	50
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

(c) However, interruptions to service made in accordance with provisions in interruptible service contracts between the utility and its customers need not be reported. 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.

Cross References

See N.J.A.C. 14:11-5.4, Reporting of accidents, N.J.A.C. 14:11-1.10, Reporting threatened interruptions of service, N.J.A.C. 14:10-1.13, Service interruptions, and N.J.A.C. 14:7-1.31, Natural gas pipelines. Autobus, trolley, and railroad utilities shall report in accordance with N.J.A.C. 16:52-1.4, Interruption of service, and N.J.A.C. 16:23-2.1, Interruption of service, as applicable.

Case Notes

Board without jurisdiction to hear action for damage resulting from power interruption; proper jurisdiction with courts; Board's jurisdiction limited to disputes over propriety of tariffs, costs and charges. Brooks, v. Public Service Electric and Gas Co., 1 N.J.A.R. 243 (1980).

14:3-3.10 Service call scheduling

(a) When a service call is scheduled, the utility shall inform the customer, upon request, whether the service call is scheduled to be made during the morning, afternoon or, if provided, the evening.

(b) If the utility is unable to keep the appointment for the scheduled service call, the utility shall inform the customer at the earliest possible time and the service call shall be rescheduled within 24 hours, unless good cause is shown. Good cause shall include, but 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 emergencies resulting from labor actions.

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

SUBCHAPTER 4. METERS

14:3-4.1 Ownership

(a) Each utility, except telephone utilities, shall own, provide, or cause to be provided on its behalf, for each customer supplied on a measured basis, a meter(s) and such service appliances as are customarily furnished by the utility, in order to connect the customer's equipment with the utility's facilities.

1. Said meter(s) and service appliances shall be provided at no additional charge other than that portion of the Board approved customer service charge which specifically reflects the cost of the meter(s) and service appliances.

(b) Each utility may charge to furnish and install a meter(s) and such service appliances as necessary for measurement purposes, in accordance with the provisions of a Board approved tariff.

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).

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

(a) The installation of meters and connections shall be in accordance with applicable "Codes", as set forth in Chapters 5 (Electric), 6 (Gas), and 9 (Sewer and Water) of this Title, standard practice and the standard terms and conditions contained in the tariff of the utility on file with the Board.

(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 should be protected from the weather or 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 should 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.

14:3-4.3 Access

Access to meters shall be in accordance with N.J.A.C. 14:3-3.8.

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

Case Notes

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).

14:3-5.2 Personnel to be contacted

(a) Each utility shall furnish to the Board and keep current a list of names, addresses and telephone numbers of responsible officials to be contacted in connection with routine matters during normal working hours.

(b) Each utility shall also furnish to the Board and keep current a list of names, addresses, and telephone numbers of responsible officials who may be contacted in event of emergency during other than normal working hours.

14:3-5.3 Emergency telephone numbers

(a) Each public utility shall establish and prominently display on all customer bills after present supplies are exhausted, a current telephone number which may be used by customers and others to report emergencies to the public utility.

(b) In addition, each public utility shall maintain a listed emergency number in appropriate telephone directories, and file same with police departments, fire departments, municipal clerks and other appropriate governmental agencies.

(c) These numbers shall be tended in order that calls can be answered on a 24 hour basis, with assurance that, within a reasonable period of time, a company official will be contacted.

(d) Electric, gas, telephone and Class A water utilities shall have available, on a 24 hour per day basis, representatives or agents to accept emergency telephone calls from customers. Said representatives or agents shall be able to contact appropriate utility personnel in the event of an emergency situation. If used by a utility, an Automatic Response Unit (ARU) must provide an escape option to allow a customer to speak to the next available operator.

R.1973 d.187, effective July 11, 1973.

See: 4 N.J.R. 196(e), 5 N.J.R. 292(b).

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

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

Added (d).

SUBCHAPTER 6. RECORDS**14:3-6.1 Location and examination**

Each utility shall notify the Board, upon request, of the office or offices at which various records are kept. These records shall be open for examination by the Board's inspectors.

14:3-6.2 Plant and operating

(a) Each utility shall maintain, readily available, adequate maps and/or records reflecting the latest available information and data concerning the size, type, location and date of installation of its major units of property.

(b) Each utility owning or operating pumping, treatment facilities or power stations or other production facilities for the purpose of furnishing service to customers shall keep for a period of one year a record of the time of starting and shutting down of all principal units of such equipment, as well as a record of pertinent related operating statistics. Each such utility shall maintain and keep in operating condition one or more graphic recording devices at central points where continuous records shall be made of the pressure or voltage at that point.

(c) Each utility shall keep for a period of one year, a record of complaints in regard to service received at its office or offices, which shall include the name and address of the customer, the date, the nature of complaint and the disposition. The record shall be available for inspection by the Board's inspectors.

14:3-6.3 Periodic reports

Every utility shall file with the Board on or before March 31 of each year, or on or before the due date noted on the report form, a summary of its finances and operations for the preceding calendar year on forms prescribed and furnished by the Board. In special instances utilities may be required to submit reports quarterly and monthly as directed by the Board. Other periodic reports shall be filed on or before the due date noted on the report form.

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 due dates noted on report forms, added.

14:3-6.4 Accidents

Each utility shall keep a record of and report to the Board all accidents, as set forth in Subchapter 5 (Reporting Accidents) and Subchapter 8 (Natural Gas) of Chapter 11 of this Title, as applicable.

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. *Irval 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) Each electric, gas, local exchange carrier telephone and Class A water 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;

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