

CHAPTER 3

ALL UTILITIES

Authority

N.J.S.A. 48:2-13, 16, 17, 20, 23, 24, 27 and 76; 48:3-3, 48:3-7.8,
48:3-12, 48:5A-10, 48:5A-36, 48:13A-1, 48:19-17,
48:19-18 and 58:11-59.

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

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 3, All Utilities,
expires on January 27, 2008. See: 39 N.J.R. 4077(b).

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 amend-
ments 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 amend-
ments 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 amend-
ments 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 Adjust-
ment 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 annota-
tions.

Subchapter 13, Interest on Deferred Balances of Levelized Energy
Adjustment Clauses, Levelized Gas Adjustment Clauses, Purchased
Water Adjustment Clauses and Purchased Sewerage Treatment Adjust-
ment Clauses, was renamed Interest on Deferred Balances of Levelized
Energy Adjustment Clauses, Levelized Gas Adjustment Clauses, Pur-
chased Water Adjustment Clauses and Purchased Wastewater Treatment
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38 N.J.R. 1538(a), 38 N.J.R. 4490(b).

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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 clearly indicated otherwise:

"Board" means the Board of Public Utilities of New Jersey.

"Customer" means the person identified in the account records of a regulated entity as the person responsible for payment of the bill of the regulated entity. A customer may or may not be an end user, as defined herein.

"Days" means calendar days unless specified otherwise.

"End user" means a person who receives, uses, or consumes electricity, gas, telephone, water or wastewater service. An end user may or may not be a customer, as defined herein.

“Person” means an individual, firm, joint venture, partnership, copartnership, corporation, association, State, county, municipality, public agency or authority, bi-state or interstate agency or authority, public utility, regulated entity, cable television company, cooperation association, or joint stock association, trust, limited liability company, governmental entity, or other legal entity, and includes any trustee, receiver, assignee, or personal representative thereof.

“Regulated entity” means a person or entity that is subject to the jurisdiction of the Board, or that provides a product or service subject to the jurisdiction of the Board. This term includes a public utility, as defined in this section.

“Regulated service” means a service subject to regulation by the Board.

“Residential customer” means a customer who receives service from a regulated entity for use in a residence.

“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”.

Amended by R.2004 d.12, effective January 5, 2004.

See: 35 N.J.R. 91(a), 36 N.J.R. 200(b).

Amended “Customer” and “Residential customer”; added “End user” and “Person”.

Amended by R.2004 d.462, effective December 20, 2004.

See: 36 N.J.R. 276(a), 36 N.J.R. 5928(a).

Added “Regulated entity” and “Regulated service”.

Amended by R.2006 d.342, effective September 18, 2006.

See: 37 N.J.R. 4188(a), 38 N.J.R. 3908(a).

In definition “Customer”, substituted “regulated entity” for the first occurrence of “utility”, deleted the second occurrence of “utility” and inserted “of the regulated entity” following “bill”; and in definition “Residential customer”, deleted “utility” preceding “service” and inserted “from a regulated entity”.

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).