

CHAPTER 4

ENERGY COMPETITION

Authority

N.J.S.A. 48:2-1 et seq., in particular 48:2-13, 48:2-16 through 19, 48:2-21.2, 48:2-23, 48:2-29.1, 48:2-37, 48:2-51.1, 48:3-7 et seq., and 48:3-51 et seq.

Source and Effective Date

R.2012 d.091, effective April 11, 2012.
See: 43 N.J.R. 1150(a), 44 N.J.R. 1534(a).

Chapter Expiration Date

Chapter 4, Energy Competition, expires on April 11, 2019.

Chapter Historical Note

Chapter 4, *Autobus and Trolley*, was adopted and became effective prior to September 1, 1969.

Chapter 4, *Autobus and Trolley*, was recodified as N.J.A.C. 16:52 by an administrative change, effective November 3, 1995. See: 27 N.J.R. 4906(a).

Chapter 4, *Energy Competition Standards*, was adopted as new rules by R.1999 d.257, effective July 9, 1999. See: 31 N.J.R. 2228(a).

Subchapter 1, *Interim Anti-Slamming Standards*, Subchapter 2, *Interim Licensing and Registration Standards*, and Subchapter 3, *Interim Retail Choice Consumer Protection Standards*, were readopted as R.2001 d.46, effective January 9, 2001. See: 32 N.J.R. 4249(a), 33 N.J.R. 565(a).

Subchapter 4, *Interim Environmental Information Disclosure Standards*, Subchapter 5, *Affiliate Relations, Fair Competition and Accounting Standards and Related Reporting Requirements*, and Subchapter 6, *Interim Government Energy Aggregation Program Standards*, were adopted as new rules by R.2000 d.408, d.409 and d.410, effective September 11, 2000. See: 32 N.J.R. 3617(a), 3633(a), and 3642(a).

Subchapter 8, *Interim Renewable Energy Portfolio Standards*, and Subchapter 9, *Net Metering, Safety and Power Quality Standards for Wind and Solar Photovoltaic Systems*, were adopted as R.2001 d.231, effective June 15, 2001. See: 33 N.J.R. 2536(a).

Subchapter 8, *Interim Renewable Energy Portfolio Standards*, and Subchapter 9, *Net Metering, Safety and Power Quality Standards for Wind and Solar Photovoltaic Systems*, were readopted as R.2003 d.260, effective June 9, 2003. See: 35 N.J.R. 94(a), 35 N.J.R. 2892(a).

Subchapter 4, *Interim Environmental Information Disclosure Standards*, Subchapter 5, *Affiliate Relations, Fair Competition and Accounting Standards and Related Reporting Requirements* and Subchapter 6, *Interim Government Energy Aggregation Program Standards*, were readopted as R.2002 d.313, effective August 21, 2002. See: 34 N.J.R. 1524(d), 34 N.J.R. 3230(a).

Subchapter 6, *Interim Government Energy Aggregation Program Standards*, was repealed and Subchapter 6, *Government Energy Aggregation Programs*, was adopted as special new rules by R.2003 d.322, effective July 11, 2003 (to expire January 11, 2005). See: 35 N.J.R. 3711(a).

Subchapter 6, *Government Energy Aggregation Programs*, was readopted as R.2005 d.253, effective July 8, 2005. See: 37 N.J.R. 388(a), 37 N.J.R. 2888(a).

In accordance with N.J.S.A. 52:14B-5.1c, Subchapters 2, 3, 4, 5, 6 and 9, expired on July 8, 2006. See: 37 N.J.R. 3911(a).

Chapter 4, *Energy Competition Standards*, was renamed "Energy Competition" and Subchapter 1, *General Provisions and Definitions*, was adopted as new rules by R.2006 d.178, effective May 15, 2006. Former Subchapter 1, *Interim Anti-Slamming Standards*, was readopted as R.2006 d.178, effective April 18, 2006, and it was recodified as Subchapter 1A, effective May 15, 2006. Subchapter 8, *Interim Renewable Energy Portfolio Standards*, was readopted as R.2006 d.178, effective April 18, 2006, and it was recodified to N.J.A.C. 14:8 as Subchapter 2, *Renewable Portfolio Standards*, by R.2006 d.178, effective May 15, 2006. See: 37 N.J.R. 3911(a), 38 N.J.R. 2176(a).

Subchapter 4A, *Public Utility Holding Company Standards*, was adopted as new rules by R.2006 d.339, effective October 2, 2006. See: 37 N.J.R. 4889(a), 38 N.J.R. 4237(a).

Subchapter 5, *Energy Licensing and Registration*, was adopted as new rules by R.2007 d.344, effective November 5, 2007. See: 39 N.J.R. 1405(a), 39 N.J.R. 4851(a).

Subchapter 1A, *Interim Anti-Slamming Standards*, was repealed; and Subchapter 2, *Energy Anti-Slamming*, Subchapter 3, *Affiliate Relations*, Subchapter 6, *Government Energy Aggregation Programs*, and Subchapter 7, *Retail Choice Consumer Protection*, were adopted as new rules by R.2008 d.130, effective May 19, 2008. See: 39 N.J.R. 1405(a), 40 N.J.R. 2526(a).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 4, *Energy Competition*, was scheduled to expire on October 15, 2013. See: 43 N.J.R. 1203(a).

Chapter 4, *Energy Competition*, was readopted as R.2012 d.091, effective April 11, 2012. As a part of R.2012 d.091, Subchapter 4A, *Public Utility Holding Company Standards*, was recodified to Subchapter 4 and renamed *Public Utility Holding Company (PUHC) Standards*, effective May 7, 2012. See: *Source and Effective Date*. See, also, section annotations.

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SUBCHAPTERS 8 THROUGH 9. (RESERVED)
**SUBCHAPTER 1. GENERAL PROVISIONS AND
DEFINITIONS**
14:4-1.1 Applicability and scope

(a) This chapter applies to various regulated entities involved in the supply of electricity and natural gas, as set forth at (b) through (e) below. If more than one subchapter applies to a given type of entity, the entity shall comply with the requirements in all applicable subchapters.

(b) This chapter applies to the following, as these terms are defined at N.J.A.C. 14:4-1.2:

1. Electric public utilities;
2. Electric power suppliers;
3. Gas public utilities;
4. Gas suppliers;
5. Energy agents, including energy consultants;
6. Government aggregators;
7. Private aggregators;
8. Public utility holding companies (PUHCs); and
9. BGS providers.

(c) Additional provisions that may apply to the entities listed at (b) above can be found in the Board's rules on renewable energy at N.J.A.C. 14:8.

(d) In addition to the requirements in this chapter, the regulated entities subject to this chapter are also subject to Board orders and other Board rules, including, but not limited to:

1. N.J.A.C. 14:3, All Utilities, which applies to electric public utilities and gas public utilities, as well as other regulated entities;
2. N.J.A.C. 14:5, Electric Service, which applies to electric public utilities;
3. N.J.A.C. 14:6, Gas Service, which applies to gas public utilities;
4. N.J.A.C. 14:12, Demand Side Management, which applies to electric public utilities and gas public utilities; and
5. N.J.A.C. 14:29, Energy Emergency, which applies to electric public utilities and gas public utilities.

(e) For the purposes of this chapter, a statement, action or failure to act by a contractor, agent or representative of any person or entity subject to this chapter shall be deemed to be the statement, action or failure to act by the person or entity.

Amended by R.2012 d.091, effective May 7, 2012.
See: 43 N.J.R. 1150(a), 44 N.J.R. 1534(a).

In (e), deleted a comma following "action" and "agent", substituted "any person or" for "a regulated" and the second occurrence of "person or" for "regulated", and inserted "subject to this chapter".