

(2) The date upon which the meter was taken out of service at the customer's premises;

ii. Perform the following calculation:

(1) If the period of inaccuracy determined under (c)2i is shorter than the maximum permitted time between meter tests, as determined under N.J.A.C. 14:5-3.2, 14:6-4.2, or 14:9-4.1(b), divide the period of inaccuracy in half; or

(2) If the period of inaccuracy is longer than the maximum permitted time between meter tests, divide the permitted maximum time between meter tests in half; then add the difference between the maximum permitted time between meter tests and the period of inaccuracy;

iii. If the time determined under (c)2ii above is longer than the time the meter has served the existing customer, the applicable time period is the time the meter has served the existing customer;

iv. If the time determined under (c)2ii above is shorter than the time the meter has served the existing customer, the applicable time period is the time determined under (c)2ii above;

3. Determine the total charges that accrued during the applicable time period determined under (c)2 above; and

4. The amount of the adjustment shall be the percentage determined under (c)1 above, applied to the charges determined under (c)3 above.

(d) If a meter is found to be registering less than 100 percent of the service provided, the utility shall not adjust the charges retrospectively or require the customer to repay the amount undercharged, except if:

1. The meter was tampered with, or other theft of the utility service has been proven;
2. The meter failed to register at all; or
3. The circumstances are such that the customer should reasonably have known that the bill did not reflect the actual usage.

(e) If a meter is found to be registering less than 100 percent of the service provided because of theft or tampering under (d)1 above, the utility may require immediate payment of the amount the customer was undercharged.

(f) In cases of a charge to a customer's account under (d)2 or 3 above, the customer shall be allowed to amortize the payments for a period of time equal to that period of time during which the customer was undercharged.

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 gas as well as electric meters added.  
Amended by R.1991 d.147, effective May 6, 1991.  
See: 22 N.J.R. 618(a), 23 N.J.R. 1449(a).

Reduced the measurement of accuracy for water meters from two percent to one and one half percent, thereby conforming the standard of accuracy in these rules to the uniform standards of the American Water Works Association; also prohibited a utility from re-billing a customer for consumption previously not billed for due to a slow meter.  
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)2, inserted reference to water meters; and added (c)1.  
Recodified from N.J.A.C. 14:3-4.7 and amended by R.2008 d.119, effective May 19, 2008.

See: 39 N.J.R. 4077(b), 40 N.J.R. 2481(a).

Section was "Adjustment of charges". Rewrote the introductory paragraph of (a); recodified (a)1 and (a)2 as (b) and (c); deleted former (b); recodified former (c) as (d); recodified former (c)1 as (f); rewrote (b), (c) and (d); added (e); and rewrote (f).

Former N.J.A.C. 14:3-4.6, Tests by Board on request, recodified in part to N.J.A.C. 14:3-4.5.

Amended by R.2009 d.15, effective January 5, 2009.

See: 40 N.J.R. 2414(a), 41 N.J.R. 270(a).

Rewrote (c)2i and (c)2ii; and in (d)1, inserted ", or other theft of the utility service has been proven".

#### Case Notes

No latches defense to avoid delinquent fire sprinkler tariffs despite water company's failure to bill landowner for five years. *Rank v. Trenton Water Works*, 97 N.J.A.R.2d (BRC) 1.

Customers not entitled to be billed on basis of 1,136 ccf of gas usage, rather than 11,136 ccf, for eight year period. *Thomas v. New Jersey Natural Gas Company*, 93 N.J.A.R.2d (BRC) 145.

Homeowner not entitled to credit to sewerage bill for water utilized in swimming pool and sprinkler system; no application for water diversion meter. *Perelman v. Atlantic City Sewerage Company*, 93 N.J.A.R.2d (BRC) 138.

No showing of water meter defect; no refund for overbilling. *Aabdollah v. New Jersey American Water Company*, 93 N.J.A.R.2d (BRC) 73.

Record established that meter readings and billings reflected water consumption; no overcharges. *Presidential Apartments v. Hackensack Water Company*, 93 N.J.A.R.2d (BRC) 68.

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.

#### 14:3-4.7 Meter test reports and records

(a) Each utility shall provide the Board with summaries of all meter tests. Each utility having 500 or more meters shall report quarterly. Utilities having less than 500 meters shall report annually. Blank forms on which reports are to be made will be furnished by the Board on its website at <http://nj.gov/bpu/>.

(b) If a utility uses a laboratory other than NJ Weights and Measures to certify its meter testing equipment in accordance with N.J.A.C. 14:3-4.4(b), the utility shall include in its annual report a copy of the letter required under N.J.A.C. 14:3-4.4(b)2.

(c) Complete records on all utility meters shall be kept in the utility's office and shall be available for examination at any time by inspectors of the Board. Such records shall include the following information:

1. The name of the meter’s manufacturer, and the meter’s unique ID or serial number, assigned by either the utility or the manufacturer;
2. Type, size, and so forth;
3. Date and location of each installation, and dates of removal;
4. The accuracy of the meter at each test;
5. A record of the tests of each meter, the date and results of the tests, and any action taken based on test results; and
6. The results of the last test of the meter, performed after the meter’s final use and prior to its retirement from service.

(d) All the records and reports required in this section shall be kept for a period of six years, or for a period beginning on the date of the last test, whichever period is the longer.

Recodified in part from N.J.A.C. 14:3-4.8 and N.J.A.C. 14:3-4.9 and amended by R.2008 d.119, effective May 19, 2008.

See: 39 N.J.R. 4077(b), 40 N.J.R. 2481(a).

Section was “Meter test reports”. Inserted designation (a); in (a), substituted “Each utility shall provide the Board with summaries “ for “A report shall be made to the Board giving a summary” and inserted “on the website at <http://nj.gov/bpu/>”; recodified former N.J.A.C. 14:3-4.9(a) and (b) as (c) and (d); rewrote (c)1; in (c)3, deleted “and test” from the end; in (c)4, inserted “at each test”; rewrote (c)5; added (c)6; and rewrote (d).

Former N.J.A.C. 14:3-4.7, Adjustment of charges, recodified to N.J.A.C. 14:3-4.6.

**14:3-4.8 Meter replacement**

(a) A utility shall not charge for replacing a meter where such replacement is requested by a customer, unless the meter has been in use for less than two years. If the meter has been in use for less than two years, the utility may assess a charge, which shall not exceed the cost of making the replacement.

(b) A utility shall not charge a customer for replacing a meter for any of the following reasons:

1. Testing purposes;
2. Replacement that is necessitated by a change in service characteristics; or
3. Replacement of a defective meter, unless the defect is due to the negligence of the customer, in which case a utility may charge the customer for the cost of making the replacement.

(c) If a customer has a complaint filed with the Board reflecting on the accuracy or performance of the meter, the utility shall not remove the customer’s meter from service during the pendency of said complaint, or during the 30 days following the Board’s decision on the complaint, unless otherwise authorized by the Board’s staff.

Recodified from N.J.A.C. 14:3-4.10 and amended by R.2008 d.119, effective May 19, 2008.

See: 39 N.J.R. 4077(b), 40 N.J.R. 2481(a).

Rewrote (a); recodified the former last sentence of (a) as (b); rewrote (b); recodified former (b) as (c); and rewrote(c).

Former N.J.A.C. 14:3-4.8, Meter test reports, recodified in part to N.J.A.C. 14:3-4.7.

**14:3-4.9 (Reserved)**

Recodified to N.J.A.C. 14:3-4.7 by R.2008 d.119, effective May 19, 2008.

See: 39 N.J.R. 4077(b), 40 N.J.R. 2481(a).

Section was “Meter records”.

**14:3-4.10 (Reserved)**

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

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

Recodified to N.J.A.C. 14:3-4.8 by R.2008 d.119, effective May 19, 2008.

See: 39 N.J.R. 4077(b), 40 N.J.R. 2481(a).

Section was “Meter replacement”.

**SUBCHAPTER 5. CONTACTING THE UTILITY**

**14:3-5.1 Location of offices**

(a) Each utility shall maintain an office in its New Jersey service area, the current location of which shall be furnished to the Board’s Division of Customer Assistance, where applications for service, complaints, service inquiries, bill payments, and so forth, will be received.

(b) Each utility shall annually provide the Board with a list of its in-person business offices, setting forth the location of and functions performed at each office.

(c) The utility shall file written notice with the Board of any proposed change in the functions of one or more of these offices at least 14 business days prior to the change being made.

(d) Each utility shall furnish the Board with the current location of the offices where any information that the utility is legally required to provide to customers, governmental bodies, other utilities and contractors is available.

(e) In the event that a utility desires to close or relocate an office, the utility shall comply with the following procedures:

1. At least 60 days prior to the closing or relocation of an office described in (a) or (b) above, a utility shall apply for approval with the Board, demonstrating that such closure or relocation is not unreasonable and will not unduly prejudice the public interest, and setting forth the means, upon Board approval of the application, by which customers and other interested parties will be adequately notified of the closing or relocation and alternatives available in the case of a closed office.

2. The utility shall simultaneously notify its customers and the clerk of each affected municipality of the pending application for permission to relocate or close the subject

office by means of posting notice at the office location and, within three days of application, by placing notice of the office closing or relocation in the newspaper(s) serving the affected area.

i. The notice shall inform customers of their right to present to the Board, in writing, any objections they may have to the office closure or relocation; and

ii. The notice shall specify a date certain for submission of comments which date shall not be less than 20 nor more than 30 days after publication and posting.

3. An office shall not be closed or relocated until the utility has been informed, in writing, that the Board has approved such request.