

16:51-3.10 Tariff filings which do not propose increases in charges to customers

(a) Tariff filings for the purpose of making effective initial tariffs or revisions, changes or alterations of existing tariffs and which are not filed because of the need for additional revenue from products or services covered by existing tariffs and which do not propose increases in charges to customers, shall conform to the provisions of N.J.A.C. 16:51-2 (Pleadings Generally) and N.J.A.C. 16:51-3.1 through 3.5, to the extent applicable, and shall in the body thereof, or in attached exhibits, also provide the following information:

1. Four copies of the proposed tariff or revision, change or alteration thereof, together with an explanation of the manner in which the tariff or change differs from the existing or a prior tariff, and the effect, if any, upon revenues;
2. A statement of the reasons why the tariff or change is proposed to be filed;
3. A statement of notices given, if any, together with a copy of the text of each of said notices;
4. A statement as to the date on which it is proposed to make the tariff or change effective, which date shall not be earlier than 30 days after the filing unless otherwise permitted by the Department.
5. In the case of initial tariffs pro forma income statements for each of the first two years of operations and actual or estimated balance sheets as at the beginning and end of each year of said two-year period.

16:51-3.11 Tariff filings or petitions which propose increases in charges to customers

(a) Filings or petitions for the purpose of making tariff effective or for making revisions, changes or alterations of existing tariffs which propose to increase any rate, fare, toll, rental or charge or to alter any classification, practice, rule or regulation so to result in such an increase (other than filings to effectuate the operation of an existing fuel adjustment clause) shall conform to the provisions of N.J.A.C. 16:51-2 and N.J.A.C. 16:51-3.1 through 3.5, to the extent applicable, and shall in the body thereof or in attached exhibits contain all applicable information and data set forth in N.J.A.C. 16:51-3.10 (Tariff filings which do not propose increases in charges to customers), and in addition shall contain the following: (financial statements shall be prepared in accordance with the Uniform System of Accounts):

1. A comparative balance sheet for the most recent three-year period (calendar year or fiscal year);
2. Comparative income statement for the most recent three-year period (calendar year or fiscal year);
3. A balance sheet at the most recent date available;
4. A statement of the amount of revenue derived in the calendar year last preceding the institution of the

proceedings from the intrastate sales of the product supplied, or intrastate service rendered, the rates, tolls, fares or charges which are the subject matter of the filing;

5. A pro forma income statement reflecting operating income at present and proposed rates and an explanation of all adjustments thereon, as well as calculation showing the indicated rate of return on the average net investment (for the same period as that covered by the pro forma income statement), that is, investment in plant facilities plus supplies and working capital to the extent claimed, less the reserve for depreciation and advances and contributions for facilities. If the request for rate relief is based upon N.J.S.A. 48:2-21.2, there shall be included, in lieu of the requirements of the foregoing paragraph, a statement showing that the facts of the particular situation meet the statutory requirements.

i. In any such proceeding on a tariff filing or petition pursuant to N.J.A.C. 16:51-3.11, the parties shall be given an opportunity to be heard on issues relating to the design of the proposed tariffs after the determination by the Department of the amount of any rate relief, but prior to the acceptance of the new tariffs. No new evidence shall be submitted except by permission of the Department and the parties shall address themselves only to matters in the existing record. The opportunity to be heard shall be on written comment filed within five days of the company's filing of its proposed rate design. The Department may in its discretion set oral argument on short notice concerning rate design issues;

ii. In providing the information required by the immediately preceding subsection, a company may also file, in addition to the new rates proposed to become effective, alternative rate changes designed to produce the full revenue request, which alternatives are illustrative of the application of other possible rate designs to the filing.

6. An itemized schedule showing all payments or accruals to affiliated companies or organizations and to those who own in excess of five percent of the utility's capital stock regardless of the form or manner in which such charges are paid or accrued and an explanation of the service performed for such charges;

7. A copy of the form of notice to customers.

(b) Financial statements shall be prepared in accordance with the Uniform System of Accounts.

(c) Each utility that makes a filing under subsection (a) (Tariff filings or petitions which propose increases in charges to customers) of this Section shall, unless otherwise ordered or permitted by the Department, give notice thereof as follows:

1. Serve a notice of the filing and a copy of the proposed tariff or a copy of the petition or a statement of

the effect of the proposed filing upon the municipal clerk in each of the municipalities in which there is rendered a regular route service, the charge for which is proposed to be increased;

2. Serve a notice of the filing and two copies of the petition or tariff on the Director, Division of Rate Counsel, Department of the Public Advocate;

3. Notice of the filing and the effect upon patrons of various classes shall be given by posting of notices in the stations, cars and buses on the affected route of such utility, and by publication in newspapers published and circulated in the utility's service area.

(d) Each utility that makes a filing under (a) above shall, after being advised by the Department or the Office of Administrative Law of the time and place fixed for hearing, if any, and unless otherwise ordered or permitted by the Department or the Office of Administrative Law serve notice of the hearing at least 20 days prior to such time on those persons specified in (c) above and shall give such notice to those persons designated in (c)3 above no more than 30 days and no less than 20 days prior to the date set for hearing, in newspapers published and circulated in the utility's service area and by posting in the stations, cars and buses on the affected route of such utility, at least 20 days prior to the date set for hearing. Such notices shall remain posted in said vehicles through the hearing date.

(e) Where notice is prescribed under this rule it shall be at the cost and expense of the party obligated to give or serve the notice.

(f) Proof of service and/or notice required by this rule shall be filed with the Department at least five days before the date set for hearing. (Also see N.J.A.C. 16:51-11.1 et seq.)

16:51-3.12 Petitions for permission to keep books and records outside the State of New Jersey

(a) Petitions for authority to keep books, records, accounts, documents and other writings outside the State of New Jersey, filed with the Department as required under N.J.S.A. 48:3-7.8, shall conform to the provisions of N.J.A.C. 14:1-5 and N.J.A.C. 14:1-6.1 through 6.5 to the extent applicable, and shall in the body thereof or in attached exhibits also provide the following information:

1. Complete description of the specific books, records, accounts, documents and other writings proposed to be kept outside the State of New Jersey;
2. The exact location where the books and records will be kept;
3. If all books and records will not be kept outside the State, what remaining records will be kept at the New Jersey location;

4. The reason for proposing to keep its books and records at a location outside the State;

5. The availability of adequate required space, facilities and experienced personnel at the new location;

6. The cost to the petitioner of maintaining the books and records at the new location as compared with that of maintaining the records at the New Jersey location;

7. The extent of the financial advantage to the customers and other benefits to the public utility which will result from keeping the books and records outside the State;

8. Whether the books and records which will be kept at the location outside the State will be, on notice in writing of the Department, produced at such time and place within this State as the Department may designate;

9. Whether the petitioner will pay to the Department any reasonable expenses or charges incurred by the Department for any investigation or examination, if the Department grants said permission;

10. The location where the petitioner will continue to maintain an office within the State of New Jersey for the convenience of its customers to pay bills, file complaints and conduct other business with the utility;

11. The name and address of the petitioner's statutory agent.

SUBCHAPTER 4. MOTIONS: INTERVENTION

16:51-4.1 Motions; generally

(a) Where a party other than a petitioner seeks an order of the Department, the party shall apply by motion.

1. A movant shall make each motion in writing, unless it is made orally during an informal department hearing.
2. No technical forms of motion are required. In a motion, a party shall state the grounds upon which the motion is made and the relief or order being sought.

(b) A party shall submit a proposed form of order with each motion, unless this requirement is waived by the Director.

(c) A party shall file each motion with the Director, except for motions made during an informal Department hearing and emergency motions.

1. If the party provides an extra copy of the motion and a self-addressed stamped envelope, the Director shall mark the copy filed and mail it to the movant.