

“section” for “Section”; in the introductory paragraph of (f), deleted “such” preceding “utility” and inserted “to Board staff”; in (f)2, inserted “and”; and in (g), substituted “27:5-9, Requirements for a permit,” for “27:5-1 (Advertising on highways and private property prohibited; penalty)” and “this chapter” for “these rules”.
Amended by R.2009 d.15, effective January 5, 2009.
See: 40 N.J.R. 2414(a), 41 N.J.R. 270(a).

Rewrote the introductory paragraph of (a); deleted (a)3; recodified former (a)4 and (a)5 as (a)3 and (a)4; in (a)3, substituted “The” for “Such”; and in (a)4, deleted “characters of the” following “The” and substituted “marks” for “mark”.

14:3-2.6 Maintenance of plant, equipment and facilities

Every utility shall have and maintain its entire plant in such condition as will enable it to furnish safe, proper and adequate service.

14:3-2.7 Inspection of property

(a) Each utility shall inspect its equipment and facilities at sufficiently frequent intervals to disclose conditions, if existing, which would interfere with safe, adequate and proper service, and shall promptly take corrective action where conditions disclosed by such inspection so warrant.

(b) Whenever any equipment is removed from the system for any reason, it shall be inspected as to safety and serviceability before being reinstalled in the same or other locations.

(c) Each pole, post, tower or other structure shall be inspected by the utility owning or using it with sufficient frequency and comprehensiveness to disclose the necessity for replacement or repair in order to ensure safe, adequate and proper service.

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

14:3-2.8 Construction work near utility facilities

(a) A utility shall endeavor, to the extent feasible and practicable, to obtain prompt notice and information concerning commencement and progress of construction work in close proximity to its facilities through its qualified employees, or through contractors, government agencies, or others who may be permitted to perform construction work within the confines of its territory.

(b) All utilities shall comply fully with the Board’s rules implementing the Underground Facility Protection Act at N.J.A.C. 14:2, also known as the “One-Call rules.”

(c) Nothing in this section shall affect the duties and obligations of persons working in the vicinity of high voltage lines as set forth in N.J.S.A. 34:6-47.

(d) Each utility shall ensure that only utility employees or other qualified persons perform work on its equipment and facilities, including poles, while these are in use providing service to customers.

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

Subdivided section and inserted (b).
Amended by R.2002 d.280, effective September 16, 2002.
See: 34 N.J.R. 992(a), 34 N.J.R. 3216(b).

Rewrote (b).
Amended by R.2008 d.119, effective May 19, 2008.
See: 39 N.J.R. 4077(b), 40 N.J.R. 2481(a).

Rewrote (b); in (c), deleted “1 or working in the vicinity of gas facilities as set forth in N.J.S.A. 2A:170-69.4 et seq.” from the end; and added (d).

SUBCHAPTER 3. SERVICE

14:3-3.1 Duty to furnish service

(a) It shall be the duty of every utility to furnish safe, adequate and proper service, including furnishing and performance of service in a non-discriminatory manner, and in a manner that tends to conserve energy resources and preserve the quality of the environment.

(b) Accordingly, it is the proper function and continuing duty of utilities as defined in N.J.A.C. 14:3-1.1 to suggest and develop conservation proposals for presentation to the Board. The rules which follow do not limit this continuing duty nor other duties now imposed upon the utilities, but merely serve to define such duties and to establish standards for their performance.

Amended by R.1975 d.305, effective October 17, 1975.
See: 7 N.J.R. 277(b), 7 N.J.R. 510(b).
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 provision requiring compliance with demand side management rules.

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 “Duty”. In (a), inserted “non-discriminatory” and “, and in a manner”; and in (b), deleted the former second sentence.

Case Notes

Curtailment of service found to be a violation of service standard; curtailment improper as not accordance with agreement and inadequate and unsafe as resulting in a health hazard; violation of curbside pickup ban constituted improper service. *Bd. of Public Utilities v. Hamm’s Sanitation, Inc.*, 2 N.J.A.R. 59 (1979).

Capital improvement program found necessary to provide safe, adequate and proper service. *In re: Califon Water Co.*, 1 N.J.A.R. 414 (1980).

14:3-3.2 Customer applications for service

(a) Applications by a customer for the establishment of service may be made at the utility’s office either in person, by regular mail, facsimile transmission, electronic mail, where available, or by telephone. If the utility requires a written application, the application may be subsequently submitted to the customer for signature.

(b) A utility shall not place the name of a second individual on the account of a residential customer unless specifically requested by said second individual.

(c) A utility shall advise a customer of the rate schedule most applicable to that customer and suggest a change in rate schedule, if and when appropriate.

(d) When a customer makes application for service to any utility and the service requested is supplied by another utility, the utility shall advise the customer when possible of the appropriate utility to whom the application should be made.

(e) If a utility requires proof of identity with an application for service, the utility shall accept any of the following items to establish identity, and may also accept other documents at the utility's discretion:

1. A valid driver's license;
2. A birth certificate;
3. A valid U.S. passport;
4. A valid U.S. residency card with photograph;
5. A valid U.S. military identification card;
6. A valid county identification card;
7. A valid county welfare identification card;
8. A valid student identification card; or
9. A valid identification card issued by the State of New Jersey.

(f) If a utility requires proof of prior address with an application for service, the utility shall accept any of the following items to establish prior address, and may also accept other documents at the utility's discretion:

1. A notarized lease, deed, or letter from the prior landlord;
2. A current auto insurance policy;
3. A bank statement;
4. A credit card statement; or
5. A letter of credit worthiness from a utility.

(g) Within two business days of receipt of the customer's application for utility service, or on a mutually agreed upon date, the utility shall initiate the service, except in those cases where the utility or customer must install or contract to install an extension, as defined at N.J.A.C. 14:3-8.2, to the structure where said service shall be received.

(h) A utility shall not require a social security number as a condition of providing service.

Amended by R.1991 d.144, effective May 6, 1991.
See: 22 N.J.R. 615(d), 23 N.J.R. 1445(a).

Established what items may be used as proof of identity and as proof of prior address.

Amended by R.1992 d.456, effective November 16, 1992.
See: 24 N.J.R. 2341(a), 24 N.J.R. 4271(a).

New (c) added requiring applications to request name and address of fire protection insurance company and policy number; recodified (c) and (d) as (d) and (e).

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 references to fax and e-mail; added (a)1 and (a)2; in (e)1, substituted "prior landlord" for "present landlord"; and added (f).

Amended by R.2002 d.280, effective September 16, 2002.

See: 34 N.J.R. 992(a), 34 N.J.R. 3216(b).

In (a), substituted "application" for "same" preceding "may be" in the introductory paragraph and substituted "a customer" for "customers" preceding "of the rate schedule" and "that" for "said" in 2.

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 "Applications". Recodified (a)1 and (a)2 as (b) and (c); recodified former (b) as (d); deleted former (c); recodified former (d) through (f) as (e) through (g); in (d), substituted the third occurrence of "utility" for "company"; rewrote (e) and (f); in (g), inserted a comma following the second occurrence of "service" and substituted "an extension, as defined at N.J.A.C. 14:3-8.2," for "service lines"; and added (h).

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

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

In (e)4 through (e)8, inserted "valid"; in (e)7, deleted "or" from the end; in (e)8, substituted "; or" for a period at the end; and added (e)9.

14:3-3.3 Providing information to customers

(a) Each utility shall, upon request, furnish its customers with such information as is reasonable in order that the customers may obtain safe, adequate and proper service.

(b) All utility customers shall be given a copy of the "Customer Bill of Rights" approved by the Board, effective at the time of service initiation. Said copy shall be presented no later than at the time of the issuance of the customer's first bill or 30 days after the initiation of service, whichever is later.

(c) If a customer's service is likely to be affected by peculiar or unusual circumstances, the public utility shall inform the customer as to how the customer can minimize the effect of such circumstances in order to secure sufficient and satisfactory service from the utility's system.

(d) Each utility shall supply its customers with information on the furnishing and performance of service in a manner that tends to conserve energy resources and preserve the quality of the environment, which shall include, but not be limited to, the duty to inform customers:

1. That there is a national and local need for the conservation of all types of energy resources by industrial, commercial and residential customers;

2. That such conservation, if widely practiced, particularly at periods of peak demand, will reduce or defer the need for the expansion of utility generating and transmission capacity, with attendant public benefits in land use, environmental quality and public health and safety;

3. That the utility will continue to develop and implement other conservation programs which will be promoted and advertised as provided for herein;

4. That the information shall be distributed to the public by the following means:

i. Extensive advertising by public media, including newspapers, periodicals, television and radio;

ii. The use of outdoor signs and messages, including posting on utility vehicles and facilities, and common carriers;

iii. By direct mailing, at no direct charge to customers, informational booklets detailing methods for conserving energy resources and any other information pursuant to this subchapter, which the Board may from time to time require; and

5. That no utility may distribute to the public, advertise or otherwise disseminate information for the purpose or with the effect of encouraging or promoting the consumption of energy resources in a manner inconsistent with these rules.

(e) The utility shall make application for any street opening permits that are necessary for installing its service connections and shall not be required to furnish service until after such permits are granted. The municipal charge, if any, for permission to open the street shall be paid by the customer.

Amended by R.1975 d.305, effective October 17, 1975.

See: 7 N.J.R. 277(b), 7 N.J.R. 510(b).

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 reference to Customer Bill of Rights; in (c), deleted reference to service line tariffs; deleted (d)3, relating to installing ceiling insulation; and recodified former (d)4 through (d)6 as (d)3 through (d)5. Recodified in part from N.J.A.C. 14:3-3.4 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 "Customer information". In (a), recodified former second and third sentences as (b); recodified former (b) as new (c); deleted former (c); rewrote new (c); in (d)4iii, substituted "subchapter," for "Subchapter" and substituted "and" for a period at the end; recodified former N.J.A.C. 14:3-3.4 as (e); and in (e), substituted first occurrence of "shall" for "where necessary, will" and inserted "that are necessary".

Case Notes

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.

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).

14:3-3.4 Deposits for service

(a) A utility may require a reasonable deposit as a condition of supplying service, in accordance with this section.

(b) The amount of any deposit required or increased under this section shall meet all of the following requirements:

1. The deposit shall be reasonably related to the probable charge for service, taking into account the customer's history regarding payment of utility bills;

2. The amount of a deposit shall be calculated by adding:

i. The average monthly charge for the service for a 12-month service period; and

ii. One month's average bill; and

3. In determining the average monthly amount of a bill, there shall be excluded from the average bill any amount for which payment is made in advance.

(c) If the customer's actual bills subsequently prove that the deposit is either insufficient or excessive, the utility may change the deposit in accordance with the facts.

(d) A utility may require an existing customer to furnish a deposit or increase their existing deposit if the customer fails to pay a bill within 15 days after the due date printed on the bill. The deposit required shall be in an amount sufficient to secure the payment of future bills.

(e) If a utility requires a customer to furnish or increase a deposit under (c) or (d) above, the utility shall bill the customer for the deposit amount. If the customer fails to pay the required deposit amount within 15 days of the bill, the utility shall not discontinue the customer's service, except in accordance with N.J.A.C. 14:3-3A.2.

(f) If a customer's service has been discontinued for non-payment under N.J.A.C. 14:3-3A.2, and the utility holds a deposit for that customer, the utility may apply the deposit as necessary to liquidate the bill. The utility may also, in accordance with N.J.A.C. 14:3-3A.9(c), require that the customer restore the deposit to its original amount.

(g) If a utility requires a deposit or requires that customers establish a credit record, the utility shall apply the same credit and deposit requirements throughout the utility service area, and, if the utility maintains a website, the utility shall post these requirements on that website. A utility shall not set different credit or deposit requirements for different municipalities or locations.

(h) When a utility requires a customer deposit for service, the utility shall inform the customer of the interest rate that applies to the deposit at the time the deposit is established, determined in accordance with N.J.A.C. 14:3-3.5.

(i) The utility shall furnish a receipt to each customer that makes a deposit. If the deposit is provided by mail, internet or telephone, the utility may comply with this requirement by displaying the amount of the deposit on the customer's next bill.

(j) If a utility, other than a telephone utility, furnishes unmetered service for which payment is made in advance, the utility may not require other guarantees to secure payment for service.

New Rule, R.2008 d.119, effective May 19, 2008.

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

Former N.J.A.C. 14:3-3.4, Permits, recodified to N.J.A.C. 14:3-3.3(e).

14:3-3.5 Return of deposits, interest on deposits

(a) Each utility shall review a residential customer's account at least once every year and a nonresidential customer's account at least once every two years. If this review indicates that the customer has met the utility's standard requirements for establishing credit, the utility shall refund the customer's deposit.

(b) Upon closing an account, a utility shall refund to the customer the balance of any deposit remaining after the closing bill for service has been settled, including any interest required under this chapter.

(c) If the utility refunds a deposit in cash, the utility shall accept either the receipt for the deposit, or proof of the customer's identity, as proof of entitlement to the deposit.

(d) A utility shall pay the customer simple interest on any deposit established under this chapter at a rate equal to the average yields on new six-month Treasury Bills for the 12-month period ending each September 30. Said rate shall become effective on January 1 of the year following the 12-month period.

(e) The Board shall perform an annual calculation to determine the applicable interest rate for each year and shall notify the affected public utilities of the rate. The Board shall provide this rate to each utility, which shall post the rate on the utility's website.

(f) If a public utility holds a customer deposit during time periods during which different interest rates apply under (d) above, the utility shall apportion the interest on the deposit to reflect the amount of time the deposit was held under each rate.

(g) Interest payments on customer deposits held to secure residential accounts shall be made to the customer at least once during each 12-month period in which a deposit is held.

(h) When a utility refunds a deposit or pays a customer interest on a deposit under this section, the utility shall offer the customer the option of a credit to the customer's account or a separate check. In either case, the utility shall provide the full refund or payment within one billing period after the review required under (a) above is completed (in the case of a deposit under (a) above) or after the interest payment is due under (g) above, as applicable, unless other reasonable arrangements are made between the customer and the utility.

Repeal and New Rule, R.2008 d.119, effective May 19, 2008.

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

Section was "Refusal to connect".

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2009.

See: 41 N.J.R. 322(a).

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2010.

See: 41 N.J.R. 4570(a).

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2011.

See: 42 N.J.R. 2999(b).

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2013.

See: 44 N.J.R. 3087(c).

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2014.

See: 45 N.J.R. 2410(a).

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2015.

See: 46 N.J.R. 2288(b).

Public Notice: Notice of applicable interest rate on customer deposits effective for calendar year 2016.

See: 47 N.J.R. 3063(a).

Case Notes

Utility lost right to setoff security deposit against utility debts. In re Village Craftsman, Inc., Bkrcty.D.N.J.1993, 160 B.R. 740.

14:3-3.6 Access to customer's premises

(a) The utility shall have the right of reasonable access to customer's premises, and to all property on the customer's premises, which is furnished by the utility, at all reasonable times for the purpose of inspection of customer's premises incident to the rendering of service including reading meters; inspecting, testing, or repairing its facilities used in connection with supplying the service; or the removal of its property.

(b) The customer shall obtain, or cause to be obtained at the customer's cost, all permits needed by the utility for access to any of the utility's facilities that are located on the customer's premises.

(c) Access to the utility's facilities shall not be given except to authorized employees of the utility or duly authorized governmental officials.

New Rule, R.2008 d.119, effective May 19, 2008.

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

Former N.J.A.C. 14:3-3.6, Basis of discontinuance of service, recodified to N.J.A.C. 14:3-3A.1 and 14:3-3A.2.

14:3-3.7 Interruptions of service

(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. Utilities shall make reasonable efforts to be aware of all service interruptions and to comply with all reporting deadlines in this section. If a utility fails to meet the deadlines in this section, the burden of proof shall be upon the utility to show good cause for the failure.

(b) This section applies to service interruptions for any reason, including, but not limited to, an act of God, weather condition, natural disaster, attack, catastrophic occurrence, accident, strike, legal process, or governmental interference. However, this section shall not apply to service interruptions made in accordance with provisions in interruptible service contracts between the utility and its customers.

(c) Telecommunications utilities shall not be subject to (d) through (f) below, but shall instead comply with the service interruption provisions in the Board's telephone rules at N.J.A.C. 14:10-1A.14.

(d) Thirty-minute interruptions. If a service interruption meets one or more of the criteria at (d)1 through 4 below, the utility shall report the interruption to the Board no later than 30 minutes from the time that the utility becomes aware that service has been interrupted for 30 minutes. This subsection shall apply if service is interrupted for 30 minutes to one or more of the following:

1. A group of 10,000 or more customers;
2. A hospital, as defined at N.J.A.C. 8:43G-1.2;