

# SENATE, No. 2441

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED NOVEMBER 22, 2010

**Sponsored by:**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Senator PAUL A. SARLO**

**District 36 (Bergen, Essex and Passaic)**

**Co-Sponsored by:**

**Senators Gordon and Greenstein**

**SYNOPSIS**

Requires BPU orders to be issued in writing and posted on Internet.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/22/2011)**

S2441 WEINBERG, SARLO

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1 AN ACT concerning orders of the Board of Public Utilities and  
2 amending R.S.48:2-40.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. R.S.48:2-40 is amended to read as follows:

8 48:2-40. a. A majority vote of the board shall be necessary to  
9 the **[making]** issuance of an order.

10 b. After the effective date of P.L.     , c. (pending before the  
11 Legislature as this bill), the board shall issue every order in written  
12 form. If a matter is an emergency that affects public health and  
13 safety, the board may issue a temporary order on the matter orally,  
14 but shall within 14 days thereafter issue the order as a written order  
15 that does not differ substantively from the oral order. Any board  
16 order issued orally may be made effective immediately, but,  
17 regardless of its effective date, if that order is not issued in written  
18 form within 14 calendar days thereafter, or the written order is  
19 substantively different from the oral order, the oral order shall be  
20 void and of no effect as of the 15th calendar day after its issuance.

21 c. The board shall issue any written order by filing a copy  
22 thereof with the board secretary. Every written order **[made]**  
23 issued by the board shall be:

24 (1) served upon the person or public utility affected thereby  
25 within ten days from **[the time the order is filed,] its filing** by  
26 personally delivering or by mailing a certified copy thereof in a  
27 sealed package with postage prepaid to the person affected or to an  
28 officer or agent of the public utility upon whom a summons may be  
29 served; and

30 (2) posted upon the Internet website of the board.

31 d. All written orders of the board shall become effective upon  
32 service thereof or upon such dates after the service thereof as may  
33 be specified therein.

34 e. The board at any time may order a rehearing and extend,  
35 revoke or modify an order made by it.

36 (cf: R.S.48:2-40)

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38 2. This act shall take effect on the 30th day after the date of  
39 enactment, but the Board of Public Utilities may take such  
40 anticipatory administrative action in advance thereof as shall be  
41 necessary for the implementation of this act.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

STATEMENT

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This bill requires the Board of Public Utilities ("board") to issue every order in written form. However, if a matter is an emergency that affects public health and safety, the bill allows the board to issue a temporary order on the matter orally, but requires the board within 14 days thereafter to issue the order as a written order that does not differ substantively from the oral order. Any board order issued orally may be made effective immediately, but, regardless of its effective date, if that order is not issued in written form within 14 calendar days thereafter, or the written order is substantively different from the oral order, the oral order shall be void and of no effect as of the 15th calendar day after its issuance.

The bill also clarifies that the board issues written orders by filing a copy with the board secretary. Lastly, as amended, the bill requires all written board orders to be posted on the board's Internet website.