

ASSEMBLY, No. 723

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblyman GREGORY P. MCGUCKIN

District 10 (Ocean)

Assemblyman DAVID W. WOLFE

District 10 (Ocean)

Co-Sponsored by:

Assemblywoman Handlin, Assemblyman S.Kean, Assemblywoman Schepisi, Assemblymen Eustace, Peterson and Dancer

SYNOPSIS

Prohibits public utility from filing rate increase petition under certain circumstances.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning rate increases by public utilities regulated by
2 the Board of Public Utilities, supplementing Title 48 of the
3 Revised Statutes, and amending R.S.48:2-21.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. (New section) The board shall not consider, review, or
9 approve, and no public utility shall be permitted to file, a request
10 for a rate increase during any period of time when:

11 a. The board has directed the public utility to file a base rate
12 case to determine whether the public utility has exceeded its
13 authorized rate of return; or

14 b. The public utility has been notified by the board that the
15 board is investigating whether the public utility has exceeded its
16 authorized rate of return.

17 This prohibition shall continue until such time as the board shall
18 determine that the base rate case proceeding or the investigation has
19 been concluded.

20 As used in this section, "base rate case" shall have the same
21 meaning as is provided in section 2 of P.L.1995, c.180 (C.48:2-
22 21.25).
23

24 2. R.S.48:2-21 is amended to read as follows:

25 48:2-21. Schedule of rates. (a) The board may require every
26 public utility to file with it complete schedules of every
27 classification employed and of every individual or joint rate, toll,
28 fare, or charge made, charged, or exacted by it for any product
29 supplied or service rendered within this State, as specified in the
30 requirement.

31 Fix rates. (b) The board may after hearing, upon notice, by order
32 in writing:

33 1. Fix just and reasonable individual rates, joint rates, tolls,
34 charges, or schedules thereof, as well as commutation, mileage, and
35 other special rates which shall be imposed, observed, and followed
36 thereafter by any public utility, whenever the board shall determine
37 any existing rate, toll, charge, or schedule thereof, commutation,
38 mileage, or other special rate to be unjust, unreasonable,
39 insufficient, or unjustly discriminatory or preferential. In every
40 such proceeding, the board shall complete and close the hearing
41 within **[6]** six months and enter its final order within **[8]** eight
42 months after the filing of the order of the board initiating such
43 proceeding, when such proceeding is on the board's own motion; or
44 after issue is joined through the filing of an answer to a complaint,
45 when such proceeding is initiated by complaint.

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.

A723 MCGUCKIN, WOLFE

4

1 been notified by the board that the board is investigating whether
2 the public utility exceeded its authorized rate of return. This
3 prohibition shall continue until such time as the board shall
4 determine that the base rate case proceeding or the investigation has
5 been concluded.