

[Second Reprint]

ASSEMBLY, No. 3726

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED MARCH 26, 2018

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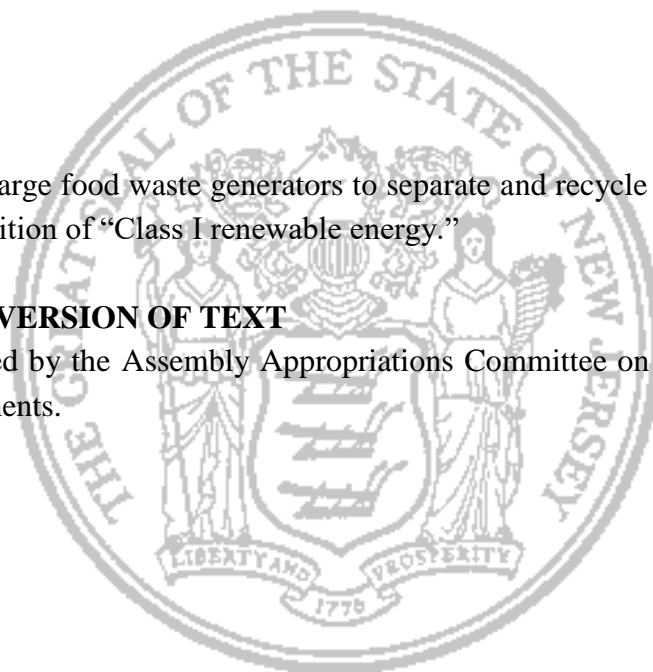
Assemblywomen Timberlake, Pinkin, Lopez and Assemblyman Conaway

SYNOPSIS

Requires large food waste generators to separate and recycle food waste and amends definition of "Class I renewable energy."

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on June 18, 2019, with amendments.



(Sponsorship Updated As Of: 6/28/2019)

1 AN ACT concerning food waste recycling and food waste-to-energy
 2 production, supplementing Titles 13 and 52 of the Revised
 3 Statutes, and amending P.L.1999, c.23.

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

7
 8 1. (New section) As used in ¹**[this act]** P.L. , c. (C.)
 9 (pending before the Legislature as this bill)¹:

10 “Alternative authorized food waste recycling method” means ¹;¹
 11 (1) recycling food waste at the site at which it is generated as
 12 authorized by the Department of Environmental Protection ¹**[,]** ¹;
 13 (2) treating food waste at the site at which it is generated pursuant
 14 to a permit issued by the department ¹**[,]** ¹; (3) sending food waste
 15 for offsite use for agricultural purposes, including as animal feed
 16 ¹**[,]** ¹; (4) sending food waste offsite for treatment with sewage
 17 sludge in an anaerobic digester for ²renewable natural gas or²
 18 biogas recovery as authorized by the department ¹**[,]** ¹; or (5) any
 19 other method of recycling or reuse of food waste, as authorized by
 20 the department.

21 “Authorized food waste recycling facility” means a ²Class C²
 22 recycling center within the State authorized to accept, store,
 23 process, or transfer food waste or compostable material, pursuant to
 24 subsection b. of section 41 of P.L.1987, c.102 (C.13:1E-99.34).

25 “Department” means the Department of Environmental
 26 Protection.

27 “Food waste” means food processing vegetative waste, food
 28 processing residue generated from processing and packaging
 29 operations, overripe produce, trimmings from food, food product
 30 over-runs ¹from food processing¹, soiled and unrecyclable paper
 31 ¹generated from food processing¹, and used cooking fats, oil, and
 32 grease, but shall not include food donated by the generator for
 33 human consumption ¹, any waste generated by a consumer after the
 34 generator issues or sells food to the consumer, or any waste
 35 regulated by 7 C.F.R. ss.330.400 through 330.403 and 9 C.F.R.
 36 s.94.5¹ .

37 “Large food waste generator” means ²**[¹[any] each¹]** any²
 38 commercial food wholesaler, distributor, industrial food processor,
 39 supermarket, resort, conference center, banquet hall, restaurant,
 40 educational or religious institution, military installation, prison,
 41 hospital, medical facility, or casino that produces at least 52 tons
 42 per year of food waste ²**[¹at each establishment or location owned**
 43 **or operated by the large food waste generator¹]** ; provided that
 44 "large food waste generator" shall not include any interstate carrier

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AST committee amendments adopted May 16, 2019.

²Assembly AAP committee amendments adopted June 18, 2019.

1 conducting interstate transportation operations in the post-security
2 area of an international airport² .

3 “Source separate” or “source separated” means the process by
4 which food waste is separated at the point of generation by the
5 generator thereof from other solid waste for the purpose of
6 recycling.

7
8 2. (New section) a. Beginning January 1, 2020, each large
9 food waste generator that is located within 25 road miles of an
10 authorized food waste recycling facility and that ²[individually]²
11 generates an average projected volume of 104 or more tons per year
12 of food waste ²[at each individual establishment or location owned
13 or operated by the large food waste generator]² shall:

14 (1) source separate its food waste from other solid waste; and
15 (2) send the source separated food waste to an authorized food
16 waste recycling facility that has available capacity and will accept
17 it.

18 b. Beginning January 1, 2023, each large food waste generator
19 that is located within 25 road miles of an authorized food waste
20 recycling facility and that ²[individually]² generates an average
21 projected volume of 52 or more tons per year of food waste ²[at
22 each individual establishment or location owned or operated by the
23 large food waste generator]², and which is not already subject to
24 the provisions of subsection a. of this section, shall:

25 (1) source separate its food waste from other solid waste; and
26 (2) send the source separated food waste to an authorized food
27 waste recycling facility that has available capacity and will accept
28 it.

29 c. Notwithstanding the provisions of subsections a. and b. of
30 this section:

31 (1) If a large food waste generator is not located within 25 road
32 miles of an authorized food waste recycling facility, or the
33 authorized food waste recycling facility will not accept the
34 generator’s food waste, the large food waste generator may send the
35 food waste for final disposal at a solid waste facility as provided in
36 the approved district solid waste management plan for the solid
37 waste management district in which the generator is located;

38 (2) Any large food waste generator that is obligated to source
39 separate and recycle its food waste pursuant to subsection a. or b. of
40 this section ¹[, and which] shall be deemed to be in compliance
41 with the provisions of this section if the large food waste
42 generator:¹

43 (a) performs enclosed on-site composting, or anaerobic or
44 aerobic digestion of its source separated food waste in accordance
45 with standards adopted by the department pursuant to subsection e.
46 of this section, or

1 (b) recycles food waste using an alternative authorized food
2 waste recycling method ¹【, shall be deemed to be in compliance
3 with the provisions of this section】¹;

4 (3) A large food waste generator may petition the Department of
5 Environmental Protection for a waiver of the requirements in
6 subsection a. or b. of this section if the cost of transporting the food
7 waste plus the fee charged by an authorized food waste recycling
8 facility located within 25 road miles of the large food waste
9 generator is at least 10 percent more than the cost of transporting
10 the food waste for disposal as solid waste plus the disposal fee
11 charged for solid waste disposal in the State for noncontract
12 commercial waste by a properly licensed transfer station, sanitary
13 landfill facility, incinerator, or resource recovery facility located
14 within 25 road miles of the large food waste generator; and

15 (4) A large food waste generator shall be deemed in compliance
16 with the provisions of this section if it sends its food waste for final
17 disposal to ²a resource recovery facility that generates Class II
18 renewable energy pursuant to P.L.1999, c.23 (C.48:3-49 et al.), or
19 to² a sanitary landfill facility that delivers the landfill gas to a gas-
20 to-energy facility ²that was in operation prior to the date of
21 enactment of P.L. , c. (C.) (pending before the Legislature as
22 this bill).² as fuel for the generation of electricity.

23 d. Any person who violates this act, or any rule or regulation
24 adopted pursuant thereto, shall be subject to a civil penalty of \$250
25 for the first offense, \$500 for the second offense, and \$1,000 for the
26 third and each subsequent offense, to be collected in a civil action
27 by a summary proceeding under the “Penalty Enforcement Law of
28 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.). If the violation is of a
29 continuing nature, each day during which it continues shall
30 constitute an additional, separate, and distinct offense. The Superior
31 Court and the municipal court shall have jurisdiction to enforce the
32 provisions of the “Penalty Enforcement Law of ¹【1999】 1999,”
33 P.L.1999, c.274 (C.2A:58-10 et seq.)¹ in connection with this
34 subsection.

35 e. Within 180 days after the date of enactment of ¹【this act】
36 P.L. , c. (C.) (pending before the Legislature as this bill)¹,
37 the Department of Environmental Protection shall adopt, pursuant
38 to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-
39 1 et seq.), rules and regulations necessary to implement this section,
40 including, but not limited to:

41 (1) record keeping and reporting requirements for large food
42 waste generators and authorized food waste recycling facilities, as
43 determined necessary by the department;

44 (2) guidelines and procedures for businesses to follow to
45 determine whether they are subject to the requirements of
46 subsection a. or b. of this section, including food waste generation
47 estimates and food waste audits or assessments;

1 (3) a list of food waste products that must be source separated
2 and recycled pursuant to subsection a. or b. of this section;

3 (4) standards for the enclosed on-site composting, or anaerobic
4 or aerobic digestion of source separated food waste, including
5 requirements for energy production and other sustainable uses of
6 the byproducts of recycled food waste; and

7 (5) a list of actions businesses may take to reduce the amount of
8 food waste they generate to a level below the threshold amounts
9 established in subsection a. and b. of this section.

10 f. The department shall publish on its Internet website the
11 name, location, and contact information for each authorized food
12 waste recycling facility in the State.

13

14 3. (New section) a. Any municipality within which an
15 authorized food waste recycling facility is located, pursuant to an
16 adopted and approved district solid waste management plan, shall
17 be entitled to an economic benefit of not less than the equivalent of
18 \$0.50 per ton, to be paid and adjusted quarterly, of all food waste
19 accepted for processing at the authorized food waste recycling
20 facility during the 2019 calendar year and each year thereafter. The
21 owner or operator of the authorized food waste recycling facility
22 shall pay quarterly to the municipality the full amount due under
23 this subsection. The municipality is authorized to anticipate this
24 amount for the purposes of preparing its annual budget.

25 b. For the purposes of calculating the payments, the owner or
26 operator of the authorized food waste recycling facility may, subject
27 to the prior agreement of the municipality and approval of the
28 Department of Environmental Protection, provide the municipality
29 with any of the following benefits in consideration for the use of
30 land within the municipality's boundaries as the location of the
31 authorized food waste recycling facility:

32 (1) quarterly payments of money in lieu of taxes on the land
33 used for the authorized food waste recycling center or other
34 authorized facility;

35 (2) exemption from all fees and charges for the acceptance of
36 food waste for composting, anaerobic or aerobic digestion, or other
37 processing, as approved by the department, of food waste generated
38 within the municipality's boundaries;

39 (3) quarterly lump sum cash payments; or

40 (4) any combination thereof.

41

42 4. (New section) a. There is established in the Department of
43 Environmental Protection a Food Waste Recycling Market
44 Development Council, which shall consist of 12 members. The
45 members shall include the Commissioner of Environmental
46 Protection, the President of the Board of Public Utilities, the
47 Commissioner of Transportation, the Secretary of Agriculture, the
48 State Treasurer, and the Attorney General, or their designees, who

1 shall serve ex officio; and six citizens of the State appointed by the
2 Commissioner of Environmental Protection. Of the appointed
3 members: two shall be actively engaged in the composting industry,
4 of whom one shall be a representative of the National Waste and
5 Recycling Association and one shall be a representative of the
6 National Biosolids Partnership or equivalent entities; two shall be
7 actively engaged in the recycling or solid waste collection industry,
8 of whom one shall be a representative of the Association of New
9 Jersey Recyclers or equivalent entities; and two shall represent the
10 general public. The Commissioner of Environmental Protection
11 shall appoint the chairperson and the vice-chairperson of the
12 council from the citizen members.

13 b. Members of the council shall serve without compensation,
14 but shall be reimbursed for expenses incurred in attending meetings
15 and performing their duties to the extent funds are available
16 therefor.

17 c. Within 18 months after the date of enactment of this act, the
18 Food Waste Recycling Market Development Council shall prepare a
19 report on the existing markets for any products and energy produced
20 from food recycling facilities, food waste composting facilities, and
21 anaerobic and aerobic digestion facilities that accept food waste
22 material. The council shall investigate the feasibility of providing
23 preferences for products or energy produced from food recycling
24 facilities, food waste composting facilities, and anaerobic and
25 aerobic digestion facilities in the State procurement process,
26 including how to stimulate the use in public projects of compost or
27 soil amendment products derived from these facilities. The council
28 shall provide recommendations on changes needed to State laws or
29 rules or regulations to stimulate the market for products and energy
30 produced from food recycling facilities, food waste composting
31 facilities, and anaerobic and aerobic digestion facilities that accept
32 food waste material. The report shall be transmitted to the Governor
33 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
34 Legislature.

35
36 5. (New section) a. Every State department or agency that
37 engages in landscaping or construction activities on State land, or
38 for State projects or facilities, shall use, where technically feasible,
39 environmentally sound, and competitively priced, compost, mulch,
40 or other soil amendments produced from municipal solid waste,
41 food waste, sludge, yard waste, clean wood waste, or other organic
42 materials. Such compost, mulch, or soil amendments shall be used
43 in place of chemical fertilizers or soil amendments.

44 b. In purchasing compost, mulch, or other soil amendments for
45 use by the various departments or agencies of State government, the
46 Director of the Division of Purchase and Property in the Department
47 of the Treasury, whenever the price is competitive and the quality
48 satisfactory for the purpose intended, shall make contracts available

1 for compost, mulch, or other soil amendments produced from
2 municipal solid waste, food waste, sludge, yard waste, clean wood
3 waste, or other organic materials.

4 c. As used in this section:

5 "Competitive" or "competitively priced" means a price of no
6 more than 10% above the price of products which are manufactured
7 or produced from virgin materials; except that the Director of the
8 Division of Purchase and Property, upon consultation with the
9 Department of Environmental Protection, may make contracts
10 available for compost, mulch, or other soil amendments produced
11 from municipal solid waste, food waste, sludge, yard waste, clean
12 wood waste, or other organic materials at a price no more than 15%
13 above the price of products manufactured or produced from virgin
14 materials whenever the director determines that a 15% price
15 differential is in the best interest of the State.

16 "Food waste" shall have the same meaning as provided in section
17 1 of P.L. , c. (C.) (pending before the Legislature as this
18 bill).

19

20 6. Section 3 of P.L.1999, c.23 (C.48:3-51) is amended to read
21 as follows:

22 3. As used in P.L.1999, c.23 (C.48:3-49 et al.):

23 "Assignee" means a person to which an electric public utility or
24 another assignee assigns, sells, or transfers, other than as security,
25 all or a portion of its right to or interest in bondable transition
26 property. Except as specifically provided in P.L.1999,
27 c.23 (C.48:3-49 et al.), an assignee shall not be subject to the public
28 utility requirements of Title 48 or any rules or regulations adopted
29 pursuant thereto.

30 "Base load electric power generation facility" means an electric
31 power generation facility intended to be operated at a greater than
32 50 percent capacity factor including, but not limited to, a combined
33 cycle power facility and a combined heat and power facility.

34 "Base residual auction" means the auction conducted by PJM, as
35 part of PJM's reliability pricing model, three years prior to the start
36 of the delivery year to secure electrical capacity as necessary to
37 satisfy the capacity requirements for that delivery year.

38 "Basic gas supply service" means gas supply service that is
39 provided to any customer that has not chosen an alternative gas
40 supplier, whether or not the customer has received offers as to
41 competitive supply options, including, but not limited to, any
42 customer that cannot obtain such service for any reason, including
43 non-payment for services. Basic gas supply service is not a
44 competitive service and shall be fully regulated by the board.

45 "Basic generation service" or "BGS" means electric generation
46 service that is provided, to any customer that has not chosen an
47 alternative electric power supplier, whether or not the customer has
48 received offers for competitive supply options, including, but not

1 limited to, any customer that cannot obtain such service from an
2 electric power supplier for any reason, including non-payment for
3 services. Basic generation service is not a competitive service and
4 shall be fully regulated by the board.

5 "Basic generation service provider" or "provider" means a
6 provider of basic generation service.

7 "Basic generation service transition costs" means the amount by
8 which the payments by an electric public utility for the procurement
9 of power for basic generation service and related ancillary and
10 administrative costs exceeds the net revenues from the basic
11 generation service charge established by the board pursuant to
12 section 9 of P.L.1999, c.23 (C.48:3-57) during the transition period,
13 together with interest on the balance at the board-approved rate, that
14 is reflected in a deferred balance account approved by the board in
15 an order addressing the electric public utility's unbundled rates,
16 stranded costs, and restructuring filings pursuant to P.L.1999,
17 c.23 (C.48:3-49 et al.). Basic generation service transition costs
18 shall include, but are not limited to, costs of purchases from the
19 spot market, bilateral contracts, contracts with non-utility
20 generators, parting contracts with the purchaser of the electric
21 public utility's divested generation assets, short-term advance
22 purchases, and financial instruments such as hedging, forward
23 contracts, and options. Basic generation service transition costs
24 shall also include the payments by an electric public utility pursuant
25 to a competitive procurement process for basic generation service
26 supply during the transition period, and costs of any such process
27 used to procure the basic generation service supply.

28 "Board" means the New Jersey Board of Public Utilities or any
29 successor agency.

30 "Bondable stranded costs" means any stranded costs or basic
31 generation service transition costs of an electric public utility
32 approved by the board for recovery pursuant to the provisions of
33 P.L.1999, c.23 (C.48:3-49 et al.), together with, as approved by the
34 board: (1) the cost of retiring existing debt or equity capital of the
35 electric public utility, including accrued interest, premium and other
36 fees, costs, and charges relating thereto, with the proceeds of the
37 financing of bondable transition property; (2) if requested by an
38 electric public utility in its application for a bondable stranded costs
39 rate order, federal, State and local tax liabilities associated with
40 stranded costs recovery, basic generation service transition cost
41 recovery, or the transfer or financing of the property, or both,
42 including taxes, whose recovery period is modified by the effect of
43 a stranded costs recovery order, a bondable stranded costs rate
44 order, or both; and (3) the costs incurred to issue, service or
45 refinance transition bonds, including interest, acquisition or
46 redemption premium, and other financing costs, whether paid upon
47 issuance or over the life of the transition bonds, including, but not
48 limited to, credit enhancements, service charges,

1 overcollateralization, interest rate cap, swap or collar, yield
2 maintenance, maturity guarantee or other hedging agreements,
3 equity investments, operating costs, and other related fees, costs,
4 and charges, or to assign, sell, or otherwise transfer bondable
5 transition property.

6 "Bondable stranded costs rate order" means one or more
7 irrevocable written orders issued by the board pursuant to P.L.1999,
8 c.23 (C.48:3-49 et al.) which determines the amount of bondable
9 stranded costs and the initial amount of transition bond charges
10 authorized to be imposed to recover the bondable stranded costs,
11 including the costs to be financed from the proceeds of the
12 transition bonds, as well as on-going costs associated with servicing
13 and credit enhancing the transition bonds, and provides the electric
14 public utility specific authority to issue or cause to be issued,
15 directly or indirectly, transition bonds through a financing entity
16 and related matters as provided in P.L.1999, c.23 (C.48:3-49 et al.),
17 which order shall become effective immediately upon the written
18 consent of the related electric public utility to the order as provided
19 in P.L.1999, c.23 (C.48:3-49 et al.).

20 "Bondable transition property" means the property consisting of
21 the irrevocable right to charge, collect, and receive, and be paid
22 from collections of, transition bond charges in the amount necessary
23 to provide for the full recovery of bondable stranded costs which
24 are determined to be recoverable in a bondable stranded costs rate
25 order, all rights of the related electric public utility under the
26 bondable stranded costs rate order including, without limitation, all
27 rights to obtain periodic adjustments of the related transition bond
28 charges pursuant to subsection b. of section 15 of P.L.1999,
29 c.23 (C.48:3-64), and all revenues, collections, payments, money,
30 and proceeds arising under, or with respect to, all of the foregoing.

31 "British thermal unit" or "Btu" means the amount of heat
32 required to increase the temperature of one pound of water by one
33 degree Fahrenheit.

34 "Broker" means a duly licensed electric power supplier that
35 assumes the contractual and legal responsibility for the sale of
36 electric generation service, transmission, or other services to end-
37 use retail customers, but does not take title to any of the power sold,
38 or a duly licensed gas supplier that assumes the contractual and
39 legal obligation to provide gas supply service to end-use retail
40 customers, but does not take title to the gas.

41 "Brownfield" means any former or current commercial or
42 industrial site that is currently vacant or underutilized and on which
43 there has been, or there is suspected to have been, a discharge of a
44 contaminant.

45 "Buydown" means an arrangement or arrangements involving the
46 buyer and seller in a given power purchase contract and, in some
47 cases third parties, for consideration to be given by the buyer in
48 order to effectuate a reduction in the pricing, or the restructuring of

1 other terms to reduce the overall cost of the power contract, for the
2 remaining succeeding period of the purchased power arrangement
3 or arrangements.

4 "Buyout" means an arrangement or arrangements involving the
5 buyer and seller in a given power purchase contract and, in some
6 cases third parties, for consideration to be given by the buyer in
7 order to effectuate a termination of such power purchase contract.

8 "Class I renewable energy" means electric energy produced from
9 solar technologies, photovoltaic technologies, wind energy, fuel
10 cells, geothermal technologies, wave or tidal action, small scale
11 hydropower facilities with a capacity of three megawatts or less and
12 put into service after the effective date of P.L.2012, c.24, **[and]**
13 methane gas from landfills **[or]**, methane gas from a biomass
14 facility**[,]** provided that the biomass is cultivated and harvested in a
15 sustainable manner, or methane gas from a composting or anaerobic
16 or aerobic digestion facility that converts food waste or other
17 organic waste to energy.

18 "Class II renewable energy" means electric energy produced at a
19 hydropower facility with a capacity of greater than three megawatts,
20 but less than 30 megawatts, or a resource recovery facility, provided
21 that the facility is located where retail competition is permitted and
22 provided further that the Commissioner of Environmental
23 Protection has determined that the facility meets the highest
24 environmental standards and minimizes any impacts to the
25 environment and local communities. Class II renewable energy
26 shall not include electric energy produced at a hydropower facility
27 with a capacity of greater than 30 megawatts on or after the
28 effective date of P.L.2015, c.51.

29 "Co-generation" means the sequential production of electricity
30 and steam or other forms of useful energy used for industrial or
31 commercial heating and cooling purposes.

32 "Combined cycle power facility" means a generation facility that
33 combines two or more thermodynamic cycles, by producing electric
34 power via the combustion of fuel and then routing the resulting
35 waste heat by-product to a conventional boiler or to a heat recovery
36 steam generator for use by a steam turbine to produce electric
37 power, thereby increasing the overall efficiency of the generating
38 facility.

39 "Combined heat and power facility" or "co-generation facility"
40 means a generation facility which produces electric energy and
41 steam or other forms of useful energy such as heat, which are used
42 for industrial or commercial heating or cooling purposes. A
43 combined heat and power facility or co-generation facility shall not
44 be considered a public utility.

45 "Competitive service" means any service offered by an electric
46 public utility or a gas public utility that the board determines to be
47 competitive pursuant to section 8 or section 10 of P.L.1999,
48 c.23 (C.48:3-56 or C.48:3-58) or that is not regulated by the board.

1 "Commercial and industrial energy pricing class customer" or
2 "CIEP class customer" means that group of non-residential
3 customers with high peak demand, as determined by periodic board
4 order, which either is eligible or which would be eligible, as
5 determined by periodic board order, to receive funds from the Retail
6 Margin Fund established pursuant to section 9 of P.L.1999,
7 c.23 (C.48:3-57) and for which basic generation service is hourly-
8 priced.

9 "Comprehensive resource analysis" means an analysis including,
10 but not limited to, an assessment of existing market barriers to the
11 implementation of energy efficiency and renewable technologies
12 that are not or cannot be delivered to customers through a
13 competitive marketplace.

14 "Connected to the distribution system" means, for a solar electric
15 power generation facility, that the facility is: (1) connected to a net
16 metering customer's side of a meter, regardless of the voltage at
17 which that customer connects to the electric grid; (2) an on-site
18 generation facility; (3) qualified for net metering aggregation as
19 provided pursuant to paragraph (4) of subsection e. of section 38 of
20 P.L.1999, c.23 (C.48:3-87); (4) owned or operated by an electric
21 public utility and approved by the board pursuant to section 13 of
22 P.L.2007, c.340 (C.48:3-98.1); (5) directly connected to the electric
23 grid at 69 kilovolts or less, regardless of how an electric public
24 utility classifies that portion of its electric grid, and is designated as
25 "connected to the distribution system" by the board pursuant to
26 subsections q. through s. of section 38 of P.L.1999, c.23 (C.48:3-
27 87); or (6) is certified by the board, in consultation with the
28 Department of Environmental Protection, as being located on a
29 brownfield, on an area of historic fill, or on a properly closed
30 sanitary landfill facility. Any solar electric power generation
31 facility, other than that of a net metering customer on the customer's
32 side of the meter, connected above 69 kilovolts shall not be
33 considered connected to the distribution system.

34 "Customer" means any person that is an end user and is
35 connected to any part of the transmission and distribution system
36 within an electric public utility's service territory or a gas public
37 utility's service territory within this State.

38 "Customer account service" means metering, billing, or such
39 other administrative activity associated with maintaining a customer
40 account.

41 "Delivery year" or "DY" means the 12-month period from June
42 1st through May 31st, numbered according to the calendar year in
43 which it ends.

44 "Demand side management" means the management of customer
45 demand for energy service through the implementation of cost-
46 effective energy efficiency technologies, including, but not limited
47 to, installed conservation, load management, and energy efficiency

1 measures on and in the residential, commercial, industrial,
2 institutional, and governmental premises and facilities in this State.

3 "Electric generation service" means the provision of retail
4 electric energy and capacity which is generated off-site from the
5 location at which the consumption of such electric energy and
6 capacity is metered for retail billing purposes, including agreements
7 and arrangements related thereto.

8 "Electric power generator" means an entity that proposes to
9 construct, own, lease, or operate, or currently owns, leases, or
10 operates, an electric power production facility that will sell or does
11 sell at least 90 percent of its output, either directly or through a
12 marketer, to a customer or customers located at sites that are not on
13 or contiguous to the site on which the facility will be located or is
14 located. The designation of an entity as an electric power generator
15 for the purposes of P.L.1999, c.23 (C.48:3-49 et al.) shall not, in
16 and of itself, affect the entity's status as an exempt wholesale
17 generator under the Public Utility Holding Company Act of 1935,
18 15 U.S.C. s.79 et seq., or its successor act.

19 "Electric power supplier" means a person or entity that is duly
20 licensed pursuant to the provisions of P.L.1999, c.23 (C.48:3-49 et
21 al.) to offer and to assume the contractual and legal responsibility to
22 provide electric generation service to retail customers, and includes
23 load serving entities, marketers, and brokers that offer or provide
24 electric generation service to retail customers. The term excludes an
25 electric public utility that provides electric generation service only
26 as a basic generation service pursuant to section 9 of P.L.1999,
27 c.23 (C.48:3-57).

28 "Electric public utility" means a public utility, as that term is
29 defined in R.S.48:2-13, that transmits and distributes electricity to
30 end users within this State.

31 "Electric related service" means a service that is directly related
32 to the consumption of electricity by an end user, including, but not
33 limited to, the installation of demand side management measures at
34 the end user's premises, the maintenance, repair, or replacement of
35 appliances, lighting, motors, or other energy-consuming devices at
36 the end user's premises, and the provision of energy consumption
37 measurement and billing services.

38 "Electronic signature" means an electronic sound, symbol, or
39 process, attached to, or logically associated with, a contract or other
40 record, and executed or adopted by a person with the intent to sign
41 the record.

42 "Eligible generator" means a developer of a base load or mid-
43 merit electric power generation facility including, but not limited to,
44 an on-site generation facility that qualifies as a capacity resource
45 under PJM criteria and that commences construction after the
46 effective date of P.L.2011, c.9 (C.48:3-98.2 et al.).

47 "Energy agent" means a person that is duly registered pursuant to
48 the provisions of P.L.1999, c.23 (C.48:3-49 et al.), that arranges the

1 sale of retail electricity or electric related services, or retail gas
2 supply or gas related services, between government aggregators or
3 private aggregators and electric power suppliers or gas suppliers,
4 but does not take title to the electric or gas sold.

5 "Energy consumer" means a business or residential consumer of
6 electric generation service or gas supply service located within the
7 territorial jurisdiction of a government aggregator.

8 "Energy efficiency portfolio standard" means a requirement to
9 procure a specified amount of energy efficiency or demand side
10 management resources as a means of managing and reducing energy
11 usage and demand by customers.

12 "Energy year" or "EY" means the 12-month period from June 1st
13 through May 31st, numbered according to the calendar year in
14 which it ends.

15 "Existing business relationship" means a relationship formed by
16 a voluntary two-way communication between an electric power
17 supplier, gas supplier, broker, energy agent, marketer, private
18 aggregator, sales representative, or telemarketer and a customer,
19 regardless of an exchange of consideration, on the basis of an
20 inquiry, application, purchase, or transaction initiated by the
21 customer regarding products or services offered by the electric
22 power supplier, gas supplier, broker, energy agent, marketer,
23 private aggregator, sales representative, or telemarketer; however, a
24 consumer's use of electric generation service or gas supply service
25 through the consumer's electric public utility or gas public utility
26 shall not constitute or establish an existing business relationship for
27 the purpose of P.L.2013, c.263.

28 "Farmland" means land actively devoted to agricultural or
29 horticultural use that is valued, assessed, and taxed pursuant to the
30 "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-
31 23.1 et seq.).

32 "Federal Energy Regulatory Commission" or "FERC" means the
33 federal agency established pursuant to 42 U.S.C. s.7171 et seq. to
34 regulate the interstate transmission of electricity, natural gas, and
35 oil.

36 "Final remediation document" shall have the same meaning as
37 provided in section 3 of P.L.1976, c.141 (C.58:10-23.11b).

38 "Financing entity" means an electric public utility, a special
39 purpose entity, or any other assignee of bondable transition
40 property, which issues transition bonds. Except as specifically
41 provided in P.L.1999, c.23 (C.48:3-49 et al.), a financing entity
42 which is not itself an electric public utility shall not be subject to
43 the public utility requirements of Title 48 of the Revised Statutes or
44 any rules or regulations adopted pursuant thereto.

45 "Gas public utility" means a public utility, as that term is defined
46 in R.S.48:2-13, that distributes gas to end users within this State.

47 "Gas related service" means a service that is directly related to
48 the consumption of gas by an end user, including, but not limited to,

1 the installation of demand side management measures at the end
2 user's premises, the maintenance, repair or replacement of
3 appliances or other energy-consuming devices at the end user's
4 premises, and the provision of energy consumption measurement
5 and billing services.

6 "Gas supplier" means a person that is duly licensed pursuant to
7 the provisions of P.L.1999, c.23 (C.48:3-49 et al.) to offer and
8 assume the contractual and legal obligation to provide gas supply
9 service to retail customers, and includes, but is not limited to,
10 marketers and brokers. A non-public utility affiliate of a public
11 utility holding company may be a gas supplier, but a gas public
12 utility or any subsidiary of a gas utility is not a gas supplier. In the
13 event that a gas public utility is not part of a holding company legal
14 structure, a related competitive business segment of that gas public
15 utility may be a gas supplier, provided that related competitive
16 business segment is structurally separated from the gas public
17 utility, and provided that the interactions between the gas public
18 utility and the related competitive business segment are subject to
19 the affiliate relations standards adopted by the board pursuant to
20 subsection k. of section 10 of P.L.1999, c.23 (C.48:3-58).

21 "Gas supply service" means the provision to customers of the
22 retail commodity of gas, but does not include any regulated
23 distribution service.

24 "Government aggregator" means any government entity subject
25 to the requirements of the "Local Public Contracts Law," P.L.1971,
26 c.198 (C.40A:11-1 et seq.), the "Public School Contracts Law,"
27 N.J.S.18A:18A-1 et seq., or the "County College Contracts Law,"
28 P.L.1982, c.189 (C.18A:64A-25.1 et seq.), that enters into a written
29 contract with a licensed electric power supplier or a licensed gas
30 supplier for: (1) the provision of electric generation service, electric
31 related service, gas supply service, or gas related service for its own
32 use or the use of other government aggregators; or (2) if a
33 municipal or county government, the provision of electric
34 generation service or gas supply service on behalf of business or
35 residential customers within its territorial jurisdiction.

36 "Government energy aggregation program" means a program and
37 procedure pursuant to which a government aggregator enters into a
38 written contract for the provision of electric generation service or
39 gas supply service on behalf of business or residential customers
40 within its territorial jurisdiction.

41 "Governmental entity" means any federal, state, municipal, local,
42 or other governmental department, commission, board, agency,
43 court, authority, or instrumentality having competent jurisdiction.

44 "Greenhouse gas emissions portfolio standard" means a
45 requirement that addresses or limits the amount of carbon dioxide
46 emissions indirectly resulting from the use of electricity as applied
47 to any electric power suppliers and basic generation service
48 providers of electricity.

1 "Historic fill" means generally large volumes of non-indigenous
2 material, no matter what date they were emplaced on the site, used
3 to raise the topographic elevation of a site, which were
4 contaminated prior to emplacement and are in no way connected
5 with the operations at the location of emplacement and which
6 include, but are not limited to, construction debris, dredge spoils,
7 incinerator residue, demolition debris, fly ash, and non-hazardous
8 solid waste. "Historic fill" shall not include any material which is
9 substantially chromate chemical production waste or any other
10 chemical production waste or waste from processing of metal or
11 mineral ores, residues, slags, or tailings.

12 "Incremental auction" means an auction conducted by PJM, as
13 part of PJM's reliability pricing model, prior to the start of the
14 delivery year to secure electric capacity as necessary to satisfy the
15 capacity requirements for that delivery year, that is not otherwise
16 provided for in the base residual auction.

17 "Leakage" means an increase in greenhouse gas emissions
18 related to generation sources located outside of the State that are not
19 subject to a state, interstate, or regional greenhouse gas emissions
20 cap or standard that applies to generation sources located within the
21 State.

22 "Locational deliverability area" or "LDA" means one or more of
23 the zones within the PJM region which are used to evaluate area
24 transmission constraints and reliability issues including electric
25 public utility company zones, sub-zones, and combinations of
26 zones.

27 "Long-term capacity agreement pilot program" or "LCAPP"
28 means a pilot program established by the board that includes
29 participation by eligible generators, to seek offers for financially-
30 settled standard offer capacity agreements with eligible generators
31 pursuant to the provisions of P.L.2011, c.9 (C.48:3-98.2 et al.).

32 "Market transition charge" means a charge imposed pursuant to
33 section 13 of P.L.1999, c.23 (C.48:3-61) by an electric public
34 utility, at a level determined by the board, on the electric public
35 utility customers for a limited duration transition period to recover
36 stranded costs created as a result of the introduction of electric
37 power supply competition pursuant to the provisions of P.L.1999,
38 c.23 (C.48:3-49 et al.).

39 "Marketer" means a duly licensed electric power supplier that
40 takes title to electric energy and capacity, transmission and other
41 services from electric power generators and other wholesale
42 suppliers and then assumes the contractual and legal obligation to
43 provide electric generation service, and may include transmission
44 and other services, to an end-use retail customer or customers, or a
45 duly licensed gas supplier that takes title to gas and then assumes
46 the contractual and legal obligation to provide gas supply service to
47 an end-use customer or customers.

1 "Mid-merit electric power generation facility" means a
2 generation facility that operates at a capacity factor between
3 baseload generation facilities and peaker generation facilities.

4 "Net metering aggregation" means a procedure for calculating
5 the combination of the annual energy usage for all facilities owned
6 by a single customer where such customer is a State entity, school
7 district, county, county agency, county authority, municipality,
8 municipal agency, or municipal authority, and which are served by
9 a solar electric power generating facility as provided pursuant to
10 paragraph (4) of subsection e. of section 38 of P.L.1999,
11 c.23 (C.48:3-87).

12 "Net proceeds" means proceeds less transaction and other related
13 costs as determined by the board.

14 "Net revenues" means revenues less related expenses, including
15 applicable taxes, as determined by the board.

16 "Offshore wind energy" means electric energy produced by a
17 qualified offshore wind project.

18 "Offshore wind renewable energy certificate" or "OREC" means
19 a certificate, issued by the board or its designee, representing the
20 environmental attributes of one megawatt hour of electric
21 generation from a qualified offshore wind project.

22 "Off-site end use thermal energy services customer" means an
23 end use customer that purchases thermal energy services from an
24 on-site generation facility, combined heat and power facility, or co-
25 generation facility, and that is located on property that is separated
26 from the property on which the on-site generation facility,
27 combined heat and power facility, or co-generation facility is
28 located by more than one easement, public thoroughfare, or
29 transportation or utility-owned right-of-way.

30 "On-site generation facility" means a generation facility,
31 including, but not limited to, a generation facility that produces
32 Class I or Class II renewable energy, and equipment and services
33 appurtenant to electric sales by such facility to the end use customer
34 located on the property or on property contiguous to the property on
35 which the end user is located. An on-site generation facility shall
36 not be considered a public utility. The property of the end use
37 customer and the property on which the on-site generation facility is
38 located shall be considered contiguous if they are geographically
39 located next to each other, but may be otherwise separated by an
40 easement, public thoroughfare, transportation or utility-owned
41 right-of-way, or if the end use customer is purchasing thermal
42 energy services produced by the on-site generation facility, for use
43 for heating or cooling, or both, regardless of whether the customer
44 is located on property that is separated from the property on which
45 the on-site generation facility is located by more than one easement,
46 public thoroughfare, or transportation or utility-owned right-of-way.

1 "Person" means an individual, partnership, corporation,
2 association, trust, limited liability company, governmental entity, or
3 other legal entity.

4 "PJM Interconnection, L.L.C." or "PJM" means the privately-
5 held, limited liability corporation that is a FERC-approved Regional
6 Transmission Organization, or its successor, that manages the
7 regional, high-voltage electricity grid serving all or parts of 13
8 states including New Jersey and the District of Columbia, operates
9 the regional competitive wholesale electric market, manages the
10 regional transmission planning process, and establishes systems and
11 rules to ensure that the regional and in-State energy markets operate
12 fairly and efficiently.

13 "Preliminary assessment" shall have the same meaning as
14 provided in section 3 of P.L.1976, c.141 (C.58:10-23.11b).

15 "Private aggregator" means a non-government aggregator that is
16 a duly-organized business or non-profit organization authorized to
17 do business in this State that enters into a contract with a duly
18 licensed electric power supplier for the purchase of electric energy
19 and capacity, or with a duly licensed gas supplier for the purchase
20 of gas supply service, on behalf of multiple end-use customers by
21 combining the loads of those customers.

22 "Properly closed sanitary landfill facility" means a sanitary
23 landfill facility, or a portion of a sanitary landfill facility, for which
24 performance is complete with respect to all activities associated
25 with the design, installation, purchase, or construction of all
26 measures, structures, or equipment required by the Department of
27 Environmental Protection, pursuant to law, in order to prevent,
28 minimize, or monitor pollution or health hazards resulting from a
29 sanitary landfill facility subsequent to the termination of operations
30 at any portion thereof, including, but not necessarily limited to, the
31 placement of earthen or vegetative cover, and the installation of
32 methane gas vents or monitors and leachate monitoring wells or
33 collection systems at the site of any sanitary landfill facility.

34 "Public utility holding company" means: (1) any company that,
35 directly or indirectly, owns, controls, or holds with power to vote,
36 10 percent or more of the outstanding voting securities of an
37 electric public utility or a gas public utility or of a company which
38 is a public utility holding company by virtue of this definition,
39 unless the Securities and Exchange Commission, or its successor,
40 by order declares such company not to be a public utility holding
41 company under the Public Utility Holding Company Act of 1935,
42 15 U.S.C. s.79 et seq., or its successor; or (2) any person that the
43 Securities and Exchange Commission, or its successor, determines,
44 after notice and opportunity for hearing, directly or indirectly, to
45 exercise, either alone or pursuant to an arrangement or
46 understanding with one or more other persons, such a controlling
47 influence over the management or policies of an electric public
48 utility or a gas public utility or public utility holding company as to

1 make it necessary or appropriate in the public interest or for the
2 protection of investors or consumers that such person be subject to
3 the obligations, duties, and liabilities imposed in the Public Utility
4 Holding Company Act of 1935, 15 U.S.C. s.79 et seq., or its
5 successor act.

6 "Qualified offshore wind project" means a wind turbine
7 electricity generation facility in the Atlantic Ocean and connected
8 to the electric transmission system in this State, and includes the
9 associated transmission-related interconnection facilities and
10 equipment, and approved by the board pursuant to section 3 of
11 P.L.2010, c.57 (C.48:3-87.1).

12 "Registration program" means an administrative process
13 developed by the board pursuant to subsection u. of section 38 of
14 P.L.1999, c.23 (C.48:3-87) that requires all owners of solar electric
15 power generation facilities connected to the distribution system that
16 intend to generate SRECs, to file with the board documents
17 detailing the size, location, interconnection plan, land use, and other
18 project information as required by the board.

19 "Regulatory asset" means an asset recorded on the books of an
20 electric public utility or gas public utility pursuant to the Statement
21 of Financial Accounting Standards, No. 71, entitled "Accounting for
22 the Effects of Certain Types of Regulation," or any successor
23 standard and as deemed recoverable by the board.

24 "Related competitive business segment of an electric public
25 utility or gas public utility" means any business venture of an
26 electric public utility or gas public utility including, but not limited
27 to, functionally separate business units, joint ventures, and
28 partnerships, that offers to provide or provides competitive services.

29 "Related competitive business segment of a public utility holding
30 company" means any business venture of a public utility holding
31 company, including, but not limited to, functionally separate
32 business units, joint ventures, and partnerships and subsidiaries, that
33 offers to provide or provides competitive services, but does not
34 include any related competitive business segments of an electric
35 public utility or gas public utility.

36 "Reliability pricing model" or "RPM" means PJM's capacity-
37 market model, and its successors, that secures capacity on behalf of
38 electric load serving entities to satisfy load obligations not satisfied
39 through the output of electric generation facilities owned by those
40 entities, or otherwise secured by those entities through bilateral
41 contracts.

42 "Renewable energy certificate" or "REC" means a certificate
43 representing the environmental benefits or attributes of one
44 megawatt-hour of generation from a generating facility that
45 produces Class I or Class II renewable energy, but shall not include
46 a solar renewable energy certificate or an offshore wind renewable
47 energy certificate.

1 "Resource clearing price" or "RCP" means the clearing price
2 established for the applicable locational deliverability area by the
3 base residual auction or incremental auction, as determined by the
4 optimization algorithm for each auction, conducted by PJM as part
5 of PJM's reliability pricing model.

6 "Resource recovery facility" means a solid waste facility
7 constructed and operated for the incineration of solid waste for
8 energy production and the recovery of metals and other materials
9 for reuse, which the Department of Environmental Protection has
10 determined to be in compliance with current environmental
11 standards, including, but not limited to, all applicable requirements
12 of the federal "Clean Air Act" (42 U.S.C. s.7401 et seq.).

13 "Restructuring related costs" means reasonably incurred costs
14 directly related to the restructuring of the electric power industry,
15 including the closure, sale, functional separation, and divestiture of
16 generation and other competitive utility assets by a public utility, or
17 the provision of competitive services as those costs are determined
18 by the board, and which are not stranded costs as defined in
19 P.L.1999, c.23 (C.48:3-49 et al.) but may include, but not be limited
20 to, investments in management information systems, and which
21 shall include expenses related to employees affected by
22 restructuring which result in efficiencies and which result in
23 benefits to ratepayers, such as training or retraining at the level
24 equivalent to one year's training at a vocational or technical school
25 or county community college, the provision of severance pay of two
26 weeks of base pay for each year of full-time employment, and a
27 maximum of 24 months' continued health care coverage. Except as
28 to expenses related to employees affected by restructuring,
29 "restructuring related costs" shall not include going forward costs.

30 "Retail choice" means the ability of retail customers to shop for
31 electric generation or gas supply service from electric power or gas
32 suppliers, or opt to receive basic generation service or basic gas
33 service, and the ability of an electric power or gas supplier to offer
34 electric generation service or gas supply service to retail customers,
35 consistent with the provisions of P.L.1999, c.23 (C.48:3-49 et al.).

36 "Retail margin" means an amount, reflecting differences in
37 prices that electric power suppliers and electric public utilities may
38 charge in providing electric generation service and basic generation
39 service, respectively, to retail customers, excluding residential
40 customers, which the board may authorize to be charged to
41 categories of basic generation service customers of electric public
42 utilities in this State, other than residential customers, under the
43 board's continuing regulation of basic generation service pursuant to
44 sections 3 and 9 of P.L.1999, c.23 (C.48:3-51 and 48:3-57), for the
45 purpose of promoting a competitive retail market for the supply of
46 electricity.

47 "Sales representative" means a person employed by, acting on
48 behalf of, or as an independent contractor for, an electric power

1 supplier, gas supplier, broker, energy agent, marketer, or private
2 aggregator who, by any means, solicits a potential residential
3 customer for the provision of electric generation service or gas
4 supply service.

5 "Sanitary landfill facility" shall have the same meaning as
6 provided in section 3 of P.L.1970, c.39 (C.13:1E-3).

7 "School district" means a local or regional school district
8 established pursuant to chapter 8 or chapter 13 of Title 18A of the
9 New Jersey Statutes, a county special services school district
10 established pursuant to article 8 of chapter 46 of Title 18A of the
11 New Jersey Statutes, a county vocational school district established
12 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey
13 Statutes, and a district under full State intervention pursuant to
14 P.L.1987, c.399 (C.18A:7A-34 et al.).

15 "Shopping credit" means an amount deducted from the bill of an
16 electric public utility customer to reflect the fact that the customer
17 has switched to an electric power supplier and no longer takes basic
18 generation service from the electric public utility.

19 "Site investigation" shall have the same meaning as provided in
20 section 3 of P.L.1976, c.141 (C.58:10-23.11b).

21 "Small scale hydropower facility" means a facility located within
22 this State that is connected to the distribution system, and that
23 meets the requirements of, and has been certified by, a nationally
24 recognized low-impact hydropower organization that has
25 established low-impact hydropower certification criteria applicable
26 to: (1) river flows; (2) water quality; (3) fish passage and
27 protection; (4) watershed protection; (5) threatened and endangered
28 species protection; (6) cultural resource protection; (7) recreation;
29 and (8) facilities recommended for removal.

30 "Social program" means a program implemented with board
31 approval to provide assistance to a group of disadvantaged
32 customers, to provide protection to consumers, or to accomplish a
33 particular societal goal, and includes, but is not limited to, the
34 winter moratorium program, utility practices concerning "bad debt"
35 customers, low income assistance, deferred payment plans,
36 weatherization programs, and late payment and deposit policies, but
37 does not include any demand side management program or any
38 environmental requirements or controls.

39 "Societal benefits charge" means a charge imposed by an electric
40 public utility, at a level determined by the board, pursuant to, and in
41 accordance with, section 12 of P.L.1999, c.23 (C.48:3-60).

42 "Solar alternative compliance payment" or "SACP" means a
43 payment of a certain dollar amount per megawatt hour (MWh)
44 which an electric power supplier or provider may submit to the
45 board in order to comply with the solar electric generation
46 requirements under section 38 of P.L.1999, c.23 (C.48:3-87).

47 "Solar renewable energy certificate" or "SREC" means a
48 certificate issued by the board or its designee, representing one

1 megawatt hour (MWh) of solar energy that is generated by a facility
2 connected to the distribution system in this State and has value
3 based upon, and driven by, the energy market.

4 "Standard offer capacity agreement" or "SOCA" means a
5 financially-settled transaction agreement, approved by board order,
6 that provides for eligible generators to receive payments from the
7 electric public utilities for a defined amount of electric capacity for
8 a term to be determined by the board but not to exceed 15 years,
9 and for such payments to be a fully non-bypassable charge, with
10 such an order, once issued, being irrevocable.

11 "Standard offer capacity price" or "SOCP" means the capacity
12 price that is fixed for the term of the SOCA and which is the price
13 to be received by eligible generators under a board-approved
14 SOCA.

15 "State entity" means a department, agency, or office of State
16 government, a State university or college, or an authority created by
17 the State.

18 "Stranded cost" means the amount by which the net cost of an
19 electric public utility's electric generating assets or electric power
20 purchase commitments, as determined by the board consistent with
21 the provisions of P.L.1999, c.23 (C.48:3-49 et al.), exceeds the
22 market value of those assets or contractual commitments in a
23 competitive supply marketplace and the costs of buydowns or
24 buyouts of power purchase contracts.

25 "Stranded costs recovery order" means each order issued by the
26 board in accordance with subsection c. of section 13 of P.L.1999,
27 c.23 (C.48:3-61) which sets forth the amount of stranded costs, if
28 any, the board has determined an electric public utility is eligible to
29 recover and collect in accordance with the standards set forth in
30 section 13 of P.L.1999, c.23 (C.48:3-61) and the recovery
31 mechanisms therefor.

32 "Telemarketer" shall have the same meaning as set forth in
33 section 2 of P.L.2003, c.76 (C.56:8-120).

34 "Telemarketing sales call" means a telephone call made by a
35 telemarketer to a potential residential customer as part of a plan,
36 program, or campaign to encourage the customer to change the
37 customer's electric power supplier or gas supplier. A telephone call
38 made to an existing customer of an electric power supplier, gas
39 supplier, broker, energy agent, marketer, private aggregator, or
40 sales representative, for the sole purpose of collecting on accounts
41 or following up on contractual obligations, shall not be deemed a
42 telemarketing sales call. A telephone call made in response to an
43 express written request of a customer shall not be deemed a
44 telemarketing sales call.

45 "Thermal efficiency" means the useful electric energy output of a
46 facility, plus the useful thermal energy output of the facility,
47 expressed as a percentage of the total energy input to the facility.

1 "Transition bond charge" means a charge, expressed as an
2 amount per kilowatt hour, that is authorized by and imposed on
3 electric public utility ratepayers pursuant to a bondable stranded
4 costs rate order, as modified at any time pursuant to the provisions
5 of P.L.1999, c.23 (C.48:3-49 et al.).

6 "Transition bonds" means bonds, notes, certificates of
7 participation, beneficial interest, or other evidences of indebtedness
8 or ownership issued pursuant to an indenture, contract, or other
9 agreement of an electric public utility or a financing entity, the
10 proceeds of which are used, directly or indirectly, to recover,
11 finance or refinance bondable stranded costs and which are, directly
12 or indirectly, secured by or payable from bondable transition
13 property. References in P.L.1999, c.23 (C.48:3-49 et al.) to
14 principal, interest, and acquisition or redemption premium with
15 respect to transition bonds which are issued in the form of
16 certificates of participation or beneficial interest or other evidences
17 of ownership shall refer to the comparable payments on such
18 securities.

19 "Transition period" means the period from August 1, 1999
20 through July 31, 2003.

21 "Transmission and distribution system" means, with respect to an
22 electric public utility, any facility or equipment that is used for the
23 transmission, distribution, or delivery of electricity to the customers
24 of the electric public utility including, but not limited to, the land,
25 structures, meters, lines, switches, and all other appurtenances
26 thereof and thereto, owned or controlled by the electric public
27 utility within this State.

28 "Universal service" means any service approved by the board
29 with the purpose of assisting low-income residential customers in
30 obtaining or retaining electric generation or delivery service.

31 "Unsolicited advertisement" means any advertising claims of the
32 commercial availability or quality of services provided by an
33 electric power supplier, gas supplier, broker, energy agent,
34 marketer, private aggregator, sales representative, or telemarketer
35 which is transmitted to a potential customer without that customer's
36 prior express invitation or permission.

37 (cf: P.L.2015, c.51, s.1)

38

39 7. This act shall take effect immediately.