

ASSEMBLY, No. 1579

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 22, 1996

By Assemblyman COHEN

1 AN ACT concerning electric public utility rates and supplementing
2 P.L.1995, c.180 (C.48:2-21.24 et seq.).

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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. a. Notwithstanding the provisions of P.L.1995, c.180 (C.48:2-
8 21.24 et seq.), or any other law, rule or regulation to the contrary, in
9 the event an individual retail customer applies to an electric public
10 utility for an off-tariff rate agreement and the customer is unable to
11 enter into an acceptable agreement with the public utility, then the
12 customer may file a request for review with the Board of Public
13 Utilities.

14 b. The board shall review the request, and the position of the
15 public utility, as well as any public comments and may order the public
16 utility to offer an acceptable off-tariff rate to the customer, if the
17 board finds that:

18 (1) failure to provide the off-tariff rate would cause the loss of
19 employment in New Jersey by the customer;

20 (2) failure to provide the off-tariff rate would result in the
21 customer being at a competitive disadvantage to another New Jersey
22 business which has entered into an off-tariff rate agreement;

23 (3) the utility failed to negotiate in good faith; or

24 (4) other good cause shown.

25 c. Any off-tariff rate ordered by the board shall meet the provisions
26 of P.L.1995, c.180 (C.48:2-21.24 et seq.) and the board's rules
27 promulgated therefrom.

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29 2. This act shall take effect immediately.

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STATEMENT

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34 This bill provides that in the event an individual retail customer
35 applies to an electric public utility for an off-tariff rate agreement and
36 the customer is unable to enter into an acceptable agreement with the
37 public utility, then the customer may file a request for review with the

1 Board of Public Utilities (hereinafter, "the board"). The board would
2 be required to review the request, and the position of the public utility,
3 as well as any public comments and may order the public utility to
4 offer an acceptable off-tariff rate to the customer, if the board finds
5 that:

6 (1) failure to provide the off-tariff rate would cause the loss of
7 employment in New Jersey by the customer;

8 (2) failure to provide the off-tariff rate would result in the
9 customer being at a competitive disadvantage to another New Jersey
10 business which has entered into an off-tariff rate agreement;

11 (3) the utility failed to negotiate in good faith; or

12 (4) other good cause shown.

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18 Allows certain retail customers to appeal to BPU for an off-tariff rate
agreement with an electric utility.