

ASSEMBLY, No. 2104

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1996

By Assemblymen WISNIEWSKI and COHEN

1 AN ACT concerning certain rate-making procedures for public utilities
2 and supplementing chapter 2 of Title 48 of the Revised Statutes.

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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 any law, rule, regulation or order to the
8 contrary, the Board of Public Utilities shall adopt a final decision or
9 order in a rate-making proceeding pursuant to section 3 of P.L.1983,
10 c.454 (C.48:2-32.7) within 120 days of the date on which the
11 recommended decision is filed pursuant to subsection b. of section 2
12 of P.L.1983, c.45 (C.48:2-32.6), unless all parties to the rate-making
13 proceeding consent in writing to an extension.

14 b. If the board fails to adopt a final decision or order in a rate-
15 making proceeding pursuant to section 3 of P.L.1983, c.454 (C.48:2-
16 32.7) within the 120-day period required by subsection a. of this
17 section, or within such further time as may be consented to by the
18 parties to the rate-making proceeding, the recommended decision filed
19 pursuant to section 2 of P.L.1983, c.45 (C.48:2-32.6) shall be adopted
20 as the final decision of the board pursuant to section 3 of P.L.1983,
21 c.454 (C.48:2-32.7).

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23 2. The board shall, pursuant to the "Administrative Procedure
24 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt any rules and
25 regulations necessary to effectuate the purposes of this act.

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27 3. This act shall take effect immediately.

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STATEMENT

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32 This bill requires the Board of Public Utilities to adopt a final
33 decision or order in a rate-making proceeding within 120 days of the
34 filing of an recommended decision by an administrative law judge
35 pursuant to section 2 of P.L.1983, c.45 (C.48:2-32.6), unless all the
36 parties to a rate-making proceeding consent in writing to an extension.

37 Under current law, if the board fails to act upon an administrative

1 law judge's decision within 45 days after receipt, the decision is
2 deemed adopted as the board's decision. Upon certification of good
3 cause by the Director of the Office of Administrative Law and the
4 board's chairman, the 45-day limitation may be extended.

5 By limiting the amount of time that the board has to adopt its final
6 decision or order to 120 days, this bill is intended to promote greater
7 certainty among consumers and businesses regarding the issuance of
8 decisions in contested utility rate cases.

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13 Requires BPU to issue final decision or order within 120 days of
14 recommended decision.