

[First Reprint]

ASSEMBLY, No. 5290

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 27, 2021

Sponsored by:

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

SYNOPSIS

Requires BPU to conduct study of effect of coronavirus 2019 pandemic on local and public utility service and to quarterly collect and publish certain local and public utility service and customer information.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on May 18, 2021, with amendments.



1 AN ACT concerning local and public utility service and customer
2 information and supplementing Title 48 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. As used in P.L. , c. (C.) (pending before the
8 Legislature as this bill):

9 “Board” means the Board of Public Utilities or any successor
10 agency.

11 “Coronavirus 2019” means the coronavirus disease 2019, as
12 announced by the World Health Organization on February 11, 2020,
13 and first identified in Wuhan, China.

14 “Department” means the Department of Community Affairs.

15 “Local utility” means any sewerage authority created pursuant to
16 the “sewerage authorities law,” P.L.1946, c.138 (C.40:14A-1 et
17 seq.); any utilities authority created pursuant to the “municipal and
18 county utilities authorities law,” P.L.1957, c.183 (C.40:14B-
19 1 et seq.); or any municipal, county, or regional utility, authority,
20 commission, special district, or other local government entity, not
21 regulated by the Board of Public Utilities, that provides electricity,
22 gas, heat, power, sewer, or water service.

23 “Personally identifiable information” means any information that
24 is linked or reasonably linkable to an identified or identifiable
25 customer.

26 “Public utility” means a public utility, defined pursuant to
27 R.S.48:2-13, providing electric, gas, sewer, or water service to
28 customers.

29
30 2. a. The Board of Public Utilities, in consultation with the
31 Department of Community Affairs, shall prepare and submit, within
32 30 days after the ¹**[effective date of P.L. , c. (pending before the**
33 **Legislature as this bill)] conclusion of a board proceeding**
34 **concerning the response to the coronavirus 2019 pandemic¹**, to the
35 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
36 19.1), to the Legislature, a written report which shall make findings
37 and recommendations concerning the effect the coronavirus 2019
38 pandemic has had on local utility and public utility service to
39 commercial and residential customers in this State. ¹**[An updated**
40 **report]** The data collected from the board’s proceeding concerning
41 the response to the coronavirus 2019 pandemic¹ shall be
42 ¹**[submitted]** posted on the board’s Internet website and updated¹
43 monthly until 180 days after the date of the termination of public
44 health emergency and state of emergency declared on March 9,

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 AAP committee amendments adopted May 18, 2021.

1 2020 by the Governor, pursuant to Executive Order No. 103 and
2 extended, where applicable, by subsequent executive orders. The
3 '[reports] data shall be formatted in a manner determined by the
4 board and¹ shall include, but not be limited to ¹,¹ the following ¹['
5 with all]¹ information organized by month, utility name, type of
6 utility service provided, customer class, municipality, and zip code:

7 (1) the overall impact on local utility and public utility supply,
8 demand, revenues, and expenses;

9 (2) the number of local utility and public utility customers, for
10 each category of utility service and how those numbers compare to
11 the previous year at the same time;

12 (3) the number of local utility and public utility service
13 customer disconnection notices sent due to bill non-payment,
14 service disconnections due to bill non-payment, service
15 reconnections of customers disconnected for bill non-payment,
16 average time between service disconnection due to non-payment
17 and service reconnection, and how the numbers cited, pursuant to
18 this paragraph, compare to the previous year at the same time;

19 (4) as applicable, the number of liens on real property placed,
20 sold, or enforced due to non-payment, and how those numbers
21 compare to the previous year at the same time;

22 (5) the number of customers in arrears by 30, 60, 90, 120, 150,
23 and 180 days at the end of each month, the total dollar amount owed
24 and average amount owed per customer in each of those categories,
25 and how the numbers cited, pursuant to this paragraph, compare to
26 the previous year at the same time;

27 (6) the number of customer accounts that became eligible for
28 disconnection due to bill nonpayment but were not disconnected
29 because of any legally mandated or voluntary suspension of
30 disconnections due the coronavirus 2019 pandemic;

31 (7) the number of customers enrolled in deferred payment
32 agreements at the end of each month, the total dollar amount of
33 arrears and average amount of arrears per customer subject to those
34 agreements, the average length of the repayment term under those
35 agreements, and how the numbers cited, pursuant to this paragraph,
36 compare to the previous year at the same time;

37 (8) the number of customers that entered into, successfully
38 completed, or defaulted from a deferred payment agreement, the
39 total dollar amount of arrears and average amount of arrears per
40 customer subject to those agreements, and how the numbers cited,
41 pursuant to this paragraph, compare to the previous year at the same
42 time;

43 (9) available customer assistance programs, including terms of
44 eligibility, available budget for each program, and any
45 enhancements to the programs that are being made to address
46 anticipated increased demand;

47 (10) the number of customers that applied for financial
48 assistance under each applicable utility assistance program, and

1 how that number cited, pursuant to this paragraph, compares to the
2 previous year at the same time;

3 (11) the number of customers receiving assistance under each
4 utility assistance program at the end of each month, and how that
5 number cited, pursuant to this paragraph, compares to the previous
6 year at the same time;

7 (12) the number of customers charged late fees, penalties, and
8 interest, the total dollar amount of late fees, penalties, and interest
9 charged and average amount of late fees, penalties, and interest per
10 customer subject to such charges, and how the numbers cited,
11 pursuant to this paragraph, compare to the previous year at the same
12 time;

13 (13) the average and median dollar amount billed to customer
14 accounts and the average and median utility usage per customer
15 account, and how the numbers cited, pursuant to this paragraph,
16 compare to the previous year at the same time;

17 (14) the total dollar amounts billed to and collected from
18 customer accounts how the numbers cited, pursuant to this
19 paragraph, compare to the previous year at the same time, except
20 that such data need not be broken down by municipality and zip
21 code within the service area of a utility;

22 (15) the methods and contents of general communications by
23 local utilities and public utilities to customers concerning their
24 rights and available assistance programs if customers are unable to
25 pay their bills in full, excluding any customer-specific
26 communications;

27 (16) the board's assessment of whether existing customer
28 assistance programs are presently, and in the future, sufficient to
29 meet the financial needs of customers in arrears who are unable to
30 pay those arrears in full, as well as the needs of customers who may
31 be unable to pay future bills;

32 (17) a list of any planned local utility and public utility
33 infrastructure projects that were scheduled to take place during or
34 after the reporting period that were canceled or for which the actual
35 or anticipated start date was delayed due to the financial or other
36 impacts of the coronavirus 2019 pandemic;

37 (18) local utility and public utility revenue, including sales
38 revenue and operating or net revenue information, and how those
39 numbers compare to the previous year at the same time; and

40 (19) each local utility's and public utility's schedule of rates
41 and charges. As used in this paragraph, "rates" mean the fixed
42 component, if any, and the volumetric or other variable component,
43 if any, of the cost of service that are applied to a category
44 of customers and "charges" mean amounts that are billed to a
45 customer under specific circumstances that are not included in the
46 provider's base rate including, but not limited to, late fees,
47 connection fees, impact fees for new development, deposits for
48 opening new accounts, and any other fees, surcharges, or penalties.

1 b. A public utility shall, within 21 days of the effective date of
2 P.L. , c. (pending before the Legislature as this bill), and
3 monthly thereafter until 180 days after the date of the termination of
4 public health emergency and state of emergency declared on March
5 9, 2020 by the Governor, pursuant to Executive Order No. 103 and
6 extended, where applicable, by subsequent executive orders, file
7 with the board, in a form and manner determined by the board, the
8 information required pursuant to subsection a. of this section.

9 c. A local utility shall, within 21 days of the effective date of
10 P.L. , c. (pending before the Legislature as this bill), and
11 monthly thereafter until 180 days after the date of the termination of
12 public health emergency and state of emergency declared on March
13 9, 2020 by the Governor, pursuant to Executive Order No. 103 and
14 extended, where applicable, by subsequent executive orders, file
15 with the Department of Community Affairs, in a form and manner
16 determined by the board, the information required pursuant to
17 subsection a. of this section. The department shall provide this
18 information to the board in a timely manner.

19 d. The board shall provide on its Internet website the
20 ¹[reports] data¹ required pursuant to subsection a. of this section,
21 including in a downloadable format the raw data from each
22 ¹[report, simultaneously with the submission of each report]
23 update¹. The ¹[information] data¹ provided on the Internet website
24 ¹pursuant to P.L. , c. (C.) (pending before the Legislature
25 as this bill)¹ shall not include personally identifiable information of
26 any customer.

27
28 3. a. Not more than 180 days after the date of the termination of
29 public health emergency and state of emergency declared on March 9,
30 2020 by the Governor, pursuant to Executive Order No. 103 and
31 extended, where applicable, by subsequent executive orders, the board,
32 in consultation with the department, shall collect and compile in a
33 report, on a quarterly basis, information concerning local utility and
34 public utility service and commercial and residential customer
35 information, which shall include, but not be limited to the following,
36 with all information organized by month, utility name type of utility
37 service provided, customer class, municipality, and zip code:

38 (1) local utility and public utility supply, demand, revenue, and
39 expense information;

40 (2) the number of local utility and public utility customers, for
41 each category of utility service and how those numbers compare to the
42 previous year at the same time;

43 (3) the number of local utility and public utility service customer
44 disconnection notices sent due to bill non-payment, service
45 disconnections due to bill non-payment, service reconnections
46 disconnected for bill non-payment, and how the numbers cited,
47 pursuant to this paragraph, compare to the previous year at the same
48 time;

1 (4) as applicable, the number of liens on real property placed, sold,
2 or enforced due to non-payment, and how those numbers compare to
3 the previous year at the same time;

4 (5) the number of customers in arrears by 30, 60, 90, 120, 150, and
5 180 days at the end of each month, the total dollar amount owed and
6 average amount owed per customer in each of those categories, and
7 how the numbers cited, pursuant to this paragraph, compare to the
8 previous year at the same time;

9 (6) the number of customer accounts that became eligible for
10 disconnection due to bill nonpayment but were not disconnected
11 because of any legally mandated or voluntary suspension of
12 disconnections due the coronavirus 2019 pandemic;

13 (7) the number of customers enrolled in deferred payment
14 agreements at the end of each month, the total dollar amount of arrears
15 and average amount of arrears per customer subject to those
16 agreements, the average length of the repayment term under those
17 agreements, and how the numbers cited, pursuant to this paragraph,
18 compare to the previous year at the same time;

19 (8) the number of customers that entered into, successfully
20 completed, or defaulted from a deferred payment agreement, the total
21 dollar amount of arrears and average amount of arrears per customer
22 subject to those agreements, and how the numbers cited, pursuant to
23 this paragraph, compare to the previous year at the same time;

24 (9) available customer assistance programs, including terms of
25 eligibility, available budget for each program, and any enhancements
26 to the programs that are being made to address anticipated increased
27 demand;

28 (10) the number of customers that applied for financial assistance
29 under each applicable utility assistance program, and how that number
30 cited, pursuant to this paragraph, compares to the previous year at the
31 same time;

32 (11) the number of customers receiving assistance under each
33 utility assistance program at the end of each month, and how that
34 number cited, pursuant to this paragraph, compares to the previous
35 year at the same time;

36 (12) the number of customers charged late fees, penalties, and
37 interest, the total dollar amount of late fees, penalties, and interest
38 charged and average amount of late fees, penalties, and interest per
39 customer subject to such charges, and how the numbers cited, pursuant
40 to this paragraph, compare to the previous year at the same time;

41 (13) the average and median dollar amount billed to customer
42 accounts and the average and median utility usage per customer
43 account, and how the numbers cited, pursuant to this paragraph,
44 compare to the previous year at the same time;

45 (14) the total dollar amounts billed to and collected from customer
46 accounts how the numbers cited, pursuant to this paragraph, compare
47 to the previous year at the same time, except that such data need not be
48 broken down by municipality and zip code within the service area of a
49 utility;

1 (15) the methods and contents of general communications by local
2 utilities and public utilities to customers concerning their rights and
3 available assistance programs if customers are unable to pay their bills
4 in full, excluding any customer-specific communications;

5 (16) the board's assessment of whether existing customer
6 assistance programs are presently, and in the future, sufficient to meet
7 the financial needs of customers in arrears who are unable to pay those
8 arrears in full, as well as the needs of customers who may be unable to
9 pay future bills;

10 (17) a list of any planned local utility and public utility
11 infrastructure projects that were scheduled to take place during or after
12 the reporting period that were canceled or for which the actual or
13 anticipated start date was delayed due to the financial or other impacts
14 of the coronavirus 2019 pandemic;

15 (18) local utility and public utility revenue, including sales
16 revenue and operating or net revenue information, and how those
17 numbers compare to the previous year at the same time; and

18 (19) each local utility's and public utility's schedule of rates and
19 charges. As used in this paragraph, "rates" mean the fixed component,
20 if any, and the volumetric or other variable component, if any, of the
21 cost of service that are applied to a category of customers and
22 "charges" mean amounts that are billed to a customer under specific
23 circumstances that are not included in the provider's base rate
24 including, but not limited to, late fees, connection fees, impact fees for
25 new development, deposits for opening new accounts, and any other
26 fees, surcharges, or penalties.

27 b. A public utility shall file with the board, in a form and manner
28 determined by the board, the information required pursuant to
29 subsection a. of this section.

30 c. A local utility shall file with the Department of Community
31 Affairs, in a form and manner determined by the board, the
32 information required pursuant to subsection a. of this section. The
33 department shall provide this information to the board in a timely
34 manner.

35 d. The board shall provide on its Internet website the reports
36 required pursuant to subsection a. of this section, including in a
37 downloadable format the raw data from each report, simultaneously
38 with the completion of each report. The information provided on the
39 Internet website shall not include personally identifiable information
40 of any customer.

41
42 4. The board, in consultation with the department, ¹**[shall]**
43 may¹ adopt, pursuant to the "Administrative Procedure Act,"
44 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
45 necessary to effectuate the purposes of this act.

46
47 5. This act shall take effect immediately.