

# SENATE, No. 3693

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED APRIL 26, 2021

**Sponsored by:**

**Senator BRIAN P. STACK**

**District 33 (Hudson)**

**Senator JOSEPH A. LAGANA**

**District 38 (Bergen and Passaic)**

**SYNOPSIS**

Prohibits public utilities from discontinuing residential electric, gas, water, and sewer service after expiration of coronavirus public health emergency; requires those utilities to implement deferred payment agreements for those services.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 5/6/2021)

1 AN ACT prohibiting a public utility from discontinuing electric, gas,  
2 water, and sewer services to residential customers following the  
3 expiration of the coronavirus public health emergency and  
4 amending various parts of the statutory law.

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

8  
9 1. R.S.48:2-24 is amended to read as follows:

10 **[No]** 48:2-24. a. A public utility shall not discontinue, curtail,  
11 or abandon any service without obtaining permission from the  
12 board after notice and in compliance with the provisions of  
13 subsection b. of this section. The board may withhold permission  
14 until after a hearing to determine if the discontinuance, curtailment,  
15 or abandonment will adversely affect public convenience and  
16 necessity. With respect to common carriers, the provisions of this  
17 paragraph shall apply only to service operated in accordance with  
18 base schedules on file with the board; provided, however, that the  
19 State Highway Commissioner upon entering into a contract for  
20 passenger service pursuant to chapter 66 of the laws of 1960, as  
21 amended and supplemented, may, without approval of the board,  
22 authorize a discontinuance, curtailment, abandonment, or change in  
23 passenger service, which discontinuance, curtailment,  
24 abandonment, or change in service shall exist only during the term  
25 of said contract.

26 A public utility may terminate service for a violation of the terms  
27 of its approved tariffs on file with the **[Board of Public Utility**  
28 **Commissioners]** board upon giving the customer at least **[3]** three  
29 days' notice of such termination unless otherwise provided for by  
30 rules, regulations, or orders of the board, except that in those  
31 situations where a hazardous condition prevails the public utility  
32 may terminate service without notice.

33 If any public utility shall discontinue, curtail, or abandon service  
34 and the board after hearing upon notice shall find and determine  
35 that service should be resumed, the board may order that service be  
36 resumed forthwith or on such date as it may fix.

37 b. Notwithstanding the foregoing, or the provisions of any law,  
38 rule, regulation, or order to the contrary, except when a public  
39 utility experiences a public utility emergency, as defined in section  
40 1 of P.L.2002, c.107 (C.48:2-24.2), a public utility providing  
41 electric, gas, sewer, or water service shall not discontinue, curtail,  
42 or abandon service for the sole reason of a residential customer  
43 service bill payment delinquency for 180 days following the  
44 expiration of the coronavirus 2019 pandemic public health  
45 emergency and state of emergency declared on March 9, 2020 by

**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.

1 the Governor, pursuant to Executive Order No. 103, and extended,  
2 where applicable. Instead, a public utility shall enter into a deferred  
3 payment agreement with the residential customer under terms and  
4 conditions established by the board. The terms and conditions so  
5 established, shall, at a minimum, allow the residential customer to  
6 make monthly payments to the public utility, over a period of at  
7 least 48 months. The public utility is prohibited from discontinuing,  
8 curtailing, or abandoning service as long as the residential customer  
9 complies with the terms and conditions of the deferred repayment  
10 plan.

11 (cf: P.L.1964, c.58. s.1)

12  
13 2. Section 1 of P.L.2002, c.107 (C.48:2-24.2) is amended to  
14 read as follows:

15 1. a. Any public utility as defined in R.S.48:2-13, which  
16 discontinues gas, electric, sewer, or water service to a multifamily  
17 housing unit customer for safety related purposes due to a public  
18 utility emergency, shall provide written or verbal notice of the  
19 discontinuance to the chief law enforcement officer of the  
20 municipality in which the customer's premises are located or the  
21 Superintendent of the State Police, as appropriate, within 12 hours  
22 after the public utility discontinues service to the customer, except  
23 that if service has been fully restored to the customer prior to the  
24 expiration of the 12 hours, the public utility shall not be required to  
25 provide notice pursuant to this subsection.

26 b. For the purposes of this section:

27 "multifamily housing unit customer" means a customer who  
28 resides in housing in which three or more units of dwelling space  
29 are occupied, or are intended to be occupied, by three or more  
30 persons who live independently of one another.

31 "public utility emergency" means any condition constituting a  
32 potential danger to life, health, or property requiring a public utility  
33 to immediately discontinue or interrupt electric, gas, sewer, and  
34 water service or that results in an unscheduled discontinuance or  
35 interruption in electric, gas, sewer, and water service.

36 **[b.]** c. The notice required by subsection a. of this section shall  
37 include the name of the customer and the address of the premises  
38 where service was discontinued provided that such information is  
39 available to the public utility.

40 (cf: P.L.2002, c.107. s.1)

41  
42 3. Section 2 of P.L.2019, c.154 (C.48:2-29.49) is amended to  
43 read as follows:

44 2. a. An electric public utility shall request from every  
45 residential customer, on a semi-annual basis, information,  
46 determined by the board, as to whether the residential customer, or  
47 any person living at the residential customer's address, uses life-  
48 sustaining equipment powered by electricity at the residential

1 customer's address. If a residential customer responds to the  
2 utility's request for information indicating that the residential  
3 customer or a person living at the residential customer's address  
4 uses life-sustaining equipment powered by electricity, the utility  
5 shall designate that residential customer as a medical customer.

6 b. Discontinuance of electric service for nonpayment is  
7 prohibited for a period of 90 days, if a medical customer's condition  
8 would be aggravated by a discontinuance of electric service. The  
9 board may extend the 90-day period of time in which a  
10 discontinuance of electric service is prohibited for an additional  
11 period of time for good cause. The board shall determine which  
12 types of licensed medical professionals are able to sign a medical  
13 certification needed to avoid the discontinuance of electric service  
14 pursuant to this section and shall establish conditions that shall  
15 apply to the prohibition on a discontinuance of electric service to a  
16 medical customer that shall include, but not be limited to,  
17 provisions requiring the medical customer to:

18 (1) provide reasonable proof of an inability to pay a utility bill  
19 on or before the bill's due date; and

20 (2) submit a written licensed medical professional's statement to  
21 the utility, stating:

22 (a) the existence of the medical customer's use of life-sustaining  
23 equipment powered by electricity at the medical customer's  
24 premises and the probable duration of that use;

25 (b) the nature of the condition of the medical customer and its  
26 probable duration, only if the disclosure of the information is not  
27 otherwise prohibited by law; and

28 (c) that the discontinuance of service to the medical customer  
29 will aggravate the condition of the medical customer.

30 c. Notwithstanding the provisions of subsection b. of this  
31 section, or the provisions of any law, rule, regulation, or order to  
32 the contrary, except when a public utility experiences a public  
33 utility emergency, as defined in section 1 of P.L.2002, c.107  
34 (C.48:2-24.2), a public utility shall not discontinue, curtail, or  
35 abandon service for the sole reason of medical customer service bill  
36 payment delinquency for 180 days following the expiration of the  
37 coronavirus 2019 pandemic public health emergency and state of  
38 emergency declared on March 9, 2020 by the Governor, pursuant to  
39 Executive Order No. 103, and extended, where applicable. Instead,  
40 a public utility shall enter into a deferred payment agreement with  
41 the medical customer under terms and conditions established by the  
42 board. The terms and conditions so established, shall, at a  
43 minimum, allow the medical customer to make monthly payments  
44 to the public utility, over a period of at least 48 months. The public  
45 utility is prohibited from discontinuing, curtailing, or abandoning  
46 service as long as a medical customer complies with the terms and  
47 conditions of the deferred repayment plan.

48 (cf: P.L.2019, c.154. s.2)

