

minimize labor and unsightly paint marks, while maximizing the underground facility operator's ability to identify small mark-out sites. N.J.A.C. 14:2-3.2(d) requires excavators to limit all sites to the minimum size necessary to safely accommodate the planned excavation or demolition. Therefore, the Board has determined not to make the recommended change.

14. COMMENT: Commenter proposes increasing the number of days from 15 to 30 for providing a detailed written incident report. The commenter believes that accumulation of all significant facts is more reasonably, accurately, and comprehensively accomplished without the need for follow-up or supplemental reporting within 30 days of the incident. Furthermore, this proposed change would not in any way compromise the Board's administrative, enforcement, or other important objectives while allowing the underground facility operator a small degree of additional flexibility in submitting the important report. (EDCs)

RESPONSE: The Board believes that the current 15-day requirement appropriately balances the need for prompt reporting with an operator's ability to collect relevant information. While supplemental reporting is sometimes required, the Board believes that the 15-day reporting requirement is appropriate given the Board's responsibility to investigate and enforce the Underground Facilities Protection Act.

Federal Standards Statement

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-22 through 24 require State agencies that adopt, readopt, or amend State rules that exceed any Federal standards or requirements to include in the rulemaking document a Federal standards analysis. The readopted rules do not exceed any Federal standards. Under the Federal Pipeline Safety Act (Act), 49 U.S.C. §§ 60101 and 60105, certain Federal funding for the State is conditioned on the implementation of a State One-Call program. The Federal Pipeline Safety Act does not require that a state implement a One-Call program. However, if the state implements such a program and other pipeline safety programs, the Act provides funding to the state for these programs.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 14:2.

(a)

BOARD OF PUBLIC UTILITIES

Notice of Readoption

All Utilities

Readoption: N.J.A.C. 14:3

Authority: N.J.S.A. 48:2-13; 48:2-16, 16.1 through 16.4, 17, 20, 23, 24, 25, and 27; 48:3-2.3, 3, 4, and 7.8; and 48:19-17.

Authorized By: New Jersey Board of Public Utilities, Richard S. Mroz, President, Joseph L. Fiordaliso, Mary-Anna Holden, and Dianne Solomon, Commissioners.

BPU Docket Number: AX15010032.

Effective Date: February 11, 2015.

New Expiration Date: February 11, 2022.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.b, the rules at N.J.A.C. 14:3 will expire on April 10, 2015. The rules provide basic requirements for all utilities regulated by the Board, which include water, wastewater, electric, gas, and telephone utilities.

A summary of the subchapters of N.J.A.C. 14:3 follows:

Subchapter 1. Definitions and General Provisions

N.J.A.C. 14:3-1.1 contains definitions of general applicability.

N.J.A.C. 14:3-1.2 sets forth the scope and purpose of the subchapter.

N.J.A.C. 14:3-1.3 addresses requirements for tariffs.

Subchapter 2. Plant

N.J.A.C. 14:3-2.1 addresses the construction of utility plant and facilities including construction of extensions.

N.J.A.C. 14:3-2.2 requires utilities to inspect any work performed by the utility's contractors to ensure compliance with safe practices.

N.J.A.C. 14:3-2.3 sets forth requirements for equipment mounted on utility poles.

N.J.A.C. 14:3-2.4 requires utilities to display their names on their structures.

N.J.A.C. 14:3-2.5 requires that utilities place identifying marks on their equipment.

N.J.A.C. 14:3-2.6 requires utilities to maintain their facilities.

N.J.A.C. 14:3-2.7 requires utilities to inspect their facilities and take corrective action where necessary.

N.J.A.C. 14:3-2.8 addresses work by non-utility personnel on or around utility facilities and requires that only utility employees or other qualified persons work on utility equipment when the equipment is in use serving customers.

Subchapter 3. Service

N.J.A.C. 14:3-3.1 sets forth a utility's basic duty to provide safe, adequate and proper service and conserve resources.

N.J.A.C. 14:3-3.2 pertains to customer applications for utility service.

N.J.A.C. 14:3-3.3 sets forth information that the utility is required to provide to customers and describes means of providing that information.

N.J.A.C. 14:3-3.4 sets forth provisions concerning deposits the utility may require from applicants for service.

N.J.A.C. 14:3-3.5 sets forth provisions concerning interest on deposits and the return of deposits to customers.

N.J.A.C. 14:3-3.6 sets forth provisions concerning the utility's right to access to a customer's premises.

N.J.A.C. 14:3-3.7 addresses utility responsibilities regarding interruptions of service.

N.J.A.C. 14:3-3.8 addresses utility responsibilities regarding the scheduling of service calls.

Subchapter 3A. Discontinuance and Restoration of Service

N.J.A.C. 14:3-3A.1 governs the basis for a utility to discontinue a customer's service.

N.J.A.C. 14:3-3A.2 governs discontinuance of a customer's service specifically because of nonpayment of charges.

N.J.A.C. 14:3-3A.3 governs utility notice of discontinuance of a customer's service for nonpayment.

N.J.A.C. 14:3-3A.4 provides additional notice requirements for discontinuance of residential and special customers.

N.J.A.C. 14:3-3A.5 sets forth the conditions of the Winter Termination program applicable to residential gas and electric service.

N.J.A.C. 14:3-3A.6 governs the discontinuance of electric, gas, water, and wastewater service to tenants.

N.J.A.C. 14:3-3A.7 governs notice to municipalities of discontinuance of residential gas and electric service.

N.J.A.C. 14:3-3A.8, governs discontinuance of basic residential telephone service.

N.J.A.C. 14:3-3A.9 provides conditions for restoration of service after discontinuance.

Subchapter 4. Meters

N.J.A.C. 14:3-4.1 addresses ownership of meters and other utility equipment.

N.J.A.C. 14:3-4.2 addresses the location of meters.

N.J.A.C. 14:3-4.3 includes definitions of terms used in the subchapter.

N.J.A.C. 14:3-4.4 sets forth the requirements for the testing of equipment that a utility uses to test customer meters, including equipment used to calibrate the meter testing equipment.

N.J.A.C. 14:3-4.5 provides for a utility or a Board inspector to test a meter at the customer's request.

N.J.A.C. 14:3-4.6 addresses the adjustment of charges for meter error.

N.J.A.C. 14:3-4.7 requires meter test reports and recordkeeping.

N.J.A.C. 14:3-4.8 governs timing and charges for meter replacement.

Subchapter 5. Contacting the Utility

N.J.A.C. 14:3-5.1 governs the location of utility offices.

N.J.A.C. 14:3-5.2 governs how a utility must make itself accessible to customers.

Subchapter 6. Records and Reporting

N.J.A.C. 14:3-6.1 addresses the location of records and types of reporting required under this chapter.

N.J.A.C. 14:3-6.2 pertains to recordkeeping regarding utility infrastructure and its operation.

N.J.A.C. 14:3-6.3 pertains to financial and operations reports.

N.J.A.C. 14:3-6.4 details the requirement for utilities to notify the Board's Division of Reliability and Security of certain accidents immediately and in no event later than two hours after the utility learns of the accident.

N.J.A.C. 14:3-6.5 pertains to written follow-up utility reporting on certain accidents.

N.J.A.C. 14:3-6.6 sets forth requirements that natural gas utilities report significant natural gas events to the Board's Division of Reliability and Security.

N.J.A.C. 14:3-6.7 sets forth requirements that utilities record and report suspicious acts to the Board.

N.J.A.C. 14:3-6.8 sets forth the requirements for utility customer service telephone system reports.

Subchapter 7. Bills and Payments for Service

N.J.A.C. 14:3-7.1 details general billing provisions.

N.J.A.C. 14:3-7.2 sets forth the form and contents of bills for metered service.

N.J.A.C. 14:3-7.3 details the form and contents of bills for unmetered service.

N.J.A.C. 14:3-7.4 sets forth methods of billing.

N.J.A.C. 14:3-7.5 provides for budget billing plans for electric, gas, water, and wastewater residential customers.

N.J.A.C. 14:3-7.6 addresses methods for resolving disputes regarding bills.

N.J.A.C. 14:3-7.7 addresses deferred payment agreements for residential customers.

N.J.A.C. 14:3-7.8 pertains to diversion of residential service.

Subchapter 8. Extensions to Provide Regulated Services

The Board has a notice of proposal concerning Subchapter 8, which was published in the New Jersey Register on December 1, 2014, at 46 N.J.R. 2323(a).

N.J.A.C. 14:3-8.1 describes the scope and applicability of the subchapter.

N.J.A.C. 14:3-8.2 sets forth definitions of terms used in this subchapter.

N.J.A.C. 14:3-8.3 addresses how an applicant applies for an extension and the utilities obligations regarding extensions.

N.J.A.C. 14:3-8.4 describes when an extension may be overhead and when it must be placed underground.

N.J.A.C. 14:3-8.5 sets forth general provisions that apply to the costs of extensions.

N.J.A.C. 14:3-8.6 addresses costs of extensions that will serve development in an area not designated for growth.

N.J.A.C. 14:3-8.7 addresses costs of extensions that will serve development in an area that has been designated for growth.

N.J.A.C. 14:3-8.8 addresses exemptions to the requirements for an extension in an area not designated for growth.

N.J.A.C. 14:3-8.9 sets forth the general requirements for applying the suggested formula for allocating the costs of an extension in an area designated for growth.

N.J.A.C. 14:3-8.10 addresses how Board staff will apply the suggested formula to extensions that will serve a development in a designated growth area (except for those serving only a single residential customer).

N.J.A.C. 14:3-8.11 addresses how Board staff will apply the suggested formula to extensions that will serve a single residential customer in a designated growth area.

N.J.A.C. 14:3-8.12 establishes the smart growth infrastructure incentive program (SGIIP).

N.J.A.C. 14:3-8.13 provides for penalties and other enforcement action for non-compliance with the subchapter.

Subchapter 9 is reserved.

Subchapter 10. Targeted Revitalization Infrastructure Program (TRIP)

N.J.A.C. 14:3-10.1 sets forth the purpose, scope, and general provisions for the subchapter.

N.J.A.C. 14:3-10.2 defines the term "TRIP area."

N.J.A.C. 14:3-10.3 sets forth the types of investments that are eligible for coverage under a TRIP.

N.J.A.C. 14:3-10.4 sets forth the process for initial Board approval of a TRIP.

N.J.A.C. 14:3-10.5 requires submittal of an annual petition to the Board to review charges under the TRIP, and to determine whether the TRIP should be extended.

N.J.A.C. 14:3-10.6 provides conditions for termination of a TRIP.

N.J.A.C. 14:3-10.7 sets forth the method of calculating the TRIP charge.

Subchapter 11 is reserved.

Subchapter 12. Utility Management Audits

N.J.A.C. 14:3-12.1 sets forth the applicability of the subchapter.

N.J.A.C. 14:3-12.2 provides for the Board to order an audit.

N.J.A.C. 14:3-12.3 allows for utility review of and comment on audit findings.

N.J.A.C. 14:3-12.5 addresses the implementation of audit results.

Subchapter 13. Interest on Over or Under Recovered Cost Balances Under Adjustment Clauses

N.J.A.C. 14:3-13.1 sets forth the scope of the subchapter.

N.J.A.C. 14:3-13.2 includes definitions for the subchapter.

N.J.A.C. 14:3-13.3 describes the method for calculating the interest on over recoveries under certain adjustment clauses.

The Board of Public Utilities has reviewed these rules and has determined that the rules should be readopted without amendment. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

TRANSPORTATION

(a)

DIVISION OF MULTIMODAL SERVICES**Aeronautical Investigation and Enforcement****Readoption with Amendments: N.J.A.C. 16:60****Adopted Repeals: N.J.A.C. 16:60 Appendices A and B****Adopted Recodification with Amendments: N.J.A.C. 16:60-1.2 as 2.1**

Proposed: November 17, 2014, at 46 N.J.R. 2274(a).

Adopted: February 5, 2015, by Jamie Fox, Commissioner, Department of Transportation.

Filed: February 6, 2015, as R.2015 d.036, **without change**.

Authority: N.J.S.A. 6:1-29, 6:1-44, 27:1A-5, and 27:1A-6.

Effective Dates: February 6, 2015, Readoption;

March 16, 2015, Amendments, Repeals, and Recodification.

Expiration Date: February 6, 2022.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

A Federal standards analysis pursuant to Executive Order No. 27 (1994) and P.L. 1995, c. 65 is not required because the rules readopted with amendments, recodifications, and repeals are under the authority of State statute only and are not subject to Federal law, standards, or requirements.