

2. A Patron Account Summary Report, which shall include a daily total of all transactions by category as reported in (d)1 above. If the Patron Account Detail Report includes daily totals, this report shall not be required;

3. A Wagering Detail Report, which shall include game activity by game type as follows:

- i. Coin in;
- ii. Coin out; and
- iii. Win/loss;

4. A Wagering Summary Report, which shall include the total win/loss for each game type and the total combined win/loss for all game types; and

5. A Variance Report, which shall include any variance between the Account Summary Report and the Wagering Summary Report.

(e) A casino licensee shall utilize the Wagering Summary Report to calculate gross revenue and Internet gaming gross revenue on a daily basis for reporting purposes. In addition, the casino licensee shall investigate each variance included on the Variance Report and:

1. Prepare a summary schedule of each variance, which schedule shall include the date, source of the variance, variance amount, and the reason for the variance; and

2. Report a manual adjustment to increase revenue by the amount of the variance whenever the total of the Account Summary Report is greater than total of the Wagering Summary Report, unless the reason for the variance documented in (e)1 above is sufficient to support a determination that revenue was properly reported.

(f) In lieu of (b) above, a licensee may summarize the daily variance report review in a manner and on a monthly schedule prescribed by the Division.

(g) A gaming system shall generate, on a daily basis commencing one year after the creation of the first Internet or mobile gaming account, a Dormant Account Report, which shall list all patron accounts that have had no activity for a period of one year. The report shall include:

1. The patron name and account number;
2. The date of the last transaction; and
3. The account balance.

(h) No voids of completed wagering transactions shall occur without Division approval.

(i) A gaming system shall generate a Performance Report, which compares the theoretical Return to Patron (RTP) as defined in N.J.A.C. 13:69D-1.1 to the actual RTP of each game offered by a gaming system. The report shall also provide the total number of rounds of play for each game and shall be generated and reviewed weekly by the licensee to evaluate the performance of all games offered to the public.

(j) A gaming system shall generate a Patron Account Adjustments Report, which shall be reviewed by the licensee on a daily basis to evaluate the legitimacy of patron account adjustments. Unless otherwise authorized by the Division, the report shall at a minimum include:

1. The patron's name;
2. An account number;
3. The date and time of the adjustment;
4. The person who performed the adjustment;
5. The reason for the adjustment; and
6. The amount of the adjustment.

(k) An Internet gaming system shall generate a report on a weekly basis identifying potential problem gamblers, including those patrons who self-report. The casino licensee shall review the report and document any action taken.

SUBCHAPTER 2. INTERNET GAMING RECIPROCAL AGREEMENTS

13:690-2.1 Reciprocal agreements; prohibition of Internet gaming in establishments that do not hold an Internet gaming permit

(a) The Division may authorize a permit holder in New Jersey to participate in Internet gaming with patrons located in jurisdictions

outside New Jersey pursuant to a reciprocal agreement that has been entered into by the State of New Jersey, if the Division determines that such wagering is not inconsistent with Federal law or the law of the jurisdiction in which any such person is located or such wagering is conducted.

(b) No organization or commercial enterprise, other than a casino located in Atlantic City or its Internet gaming affiliate that has been issued a permit to conduct Internet gaming and has located all of its equipment used to conduct Internet gaming, including computers, servers, monitoring rooms, and hubs, in Atlantic City, shall make its premises available for placing wagers at casinos using the Internet or advertise that its premises may be used for such purpose.

(c) An organization or commercial enterprise that is determined by the Division to have violated the provisions of this section shall be subject to a penalty of \$1,000 per patron per day for making its premises available for placing wagers at casinos using the Internet and of \$10,000 per violation for advertising that its premises may be used for such purpose.

PUBLIC UTILITIES

(a)

BOARD OF PUBLIC UTILITIES

Energy Emergency

Proposed Readoption with Amendments: N.J.A.C. 14:29

Authorized By: Board of Public Utilities, Robert M. Hanna, President; Jeanne M. Fox, Joseph L. Fiordaliso, and Mary-Anna Holden, Commissioners.

Authority: N.J.S.A. 52:27F-11, 16 through 18, 21, and 24.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

BPU Docket Number: EX13020141.

Proposal Number: PRN 2013-091.

Comments may be submitted through August 2, 2013, by e-mail in **Microsoft WORD format**, or in a format that can be easily converted to Word, to: rule.comments@bpu.state.nj.us; or on paper to:

Kristi Izzo, Secretary
New Jersey Board of Public Utilities
ATTN: BPU Docket Number: EX13020141
44 S. Clinton Avenue, 9th floor
PO Box 350
Trenton, NJ 08625-0350

The agency proposal follows:

Summary

The New Jersey Board of Public Utilities (Board) is proposing to readopt its rules governing energy emergencies at N.J.A.C. 14:29. These rules implement N.J.S.A. 52:27F-16 and 17, which require the Board to establish a plan for addressing the situation in which the Governor declares an energy emergency. The rules govern both the planning for such an energy emergency and the implementation of the plan when necessary.

By filing this notice of rules proposed for readoption with the Office of Administrative Law prior to May 12, 2013, the expiration date of these rules is extended 180 days to November 8, 2013, pursuant to N.J.S.A. 52:14B-5.1.c(2). As the Board has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirements set forth at N.J.A.C. 1:30-3.1 and 3.2, pursuant to N.J.A.C. 1:30-3.3(a)5.

Following is a section-by-section summary of the rules proposed for readoption and the proposed amendments.

Subchapter 1. General Provisions

N.J.A.C. 14:29-1.1 addresses the scope of the chapter. The majority of the provisions of the chapter do not come into play until the Governor has

declared a state of energy emergency. However, some provisions (for example, for energy planning, reporting, and public information programs) must be implemented prior to such a declaration. Proposed new subsection (d) adds where to obtain information.

N.J.A.C. 14:29-1.2 includes definitions of terms used in Chapter 29. The proposed amendments make technical changes to update contact information in the definition for “authorized emergency vehicles” and correct a citation, and also correct a citation in the definition of “farm vehicle.”

N.J.A.C. 14:29-1.3 provides for exemptions to certain provisions, based on extraordinary hardship or public welfare, and sets forth instructions for seeking exemptions. The proposed amendments make technical changes to update contact information by adding that a person applies for an exemption to the Division of Reliability and Security staff rather than directly to the Division of Energy in subsection (a) and to correct a citation and add that an application is submitted to Board staff, rather than the Division of Energy in subsection (f).

N.J.A.C. 14:29-1.4, which authorizes the Board to modify the measures in this chapter if necessary, is proposed for readoption without change.

N.J.A.C. 14:29-1.5, which authorizes the Board President to act on behalf of the Board in certain emergency situations, is proposed for readoption without change.

N.J.A.C. 14:29-1.6, which provides for the Board to maintain a website for information during an energy emergency, is proposed for readoption with technical amendments to update the website address.

Subchapter 2. End-Use Energy Reduction

N.J.A.C. 14:29-2.1, which sets forth the broad scope of the subchapter, is proposed for readoption without change.

N.J.A.C. 14:29-2.2, which authorizes the Board to make or require public appeals for energy conservation, is proposed for readoption without change.

N.J.A.C. 14:29-2.3, which sets forth energy reduction measures that may be required of energy end-users in the event of an energy emergency, is proposed for readoption without change.

N.J.A.C. 14:29-2.4, which allows the Board to impose further restrictions on the hours of operation of certain establishments in the event measures taken pursuant to the subchapter provide inadequate relief, is proposed for readoption without change.

N.J.A.C. 14:29-2.5, which exempts certain persons and facilities from the end-use energy reduction measures, is proposed for readoption without change.

Subchapter 3. Natural Gas

N.J.A.C. 14:29-3.1, which specifies the entities to which the subchapter applies, is proposed for readoption without change.

N.J.A.C. 14:29-3.2, which provides for mandatory reductions and suspensions of certain types of natural gas services to commercial and industrial customers, is proposed for readoption without change.

N.J.A.C. 14:29-3.3, which authorizes the Board to order movement of natural gas from one entity to another if necessary to preserve residential service, is proposed for readoption without change.

N.J.A.C. 14:29-3.4, which authorizes the reduction or suspension of residential natural gas service with approval from the Board, or without such approval in urgent cases, is proposed for readoption without change.

Subchapter 4. Electric

N.J.A.C. 14:29-4.1, which specifies the entities to which the subchapter applies, is proposed for readoption without change.

N.J.A.C. 14:29-4.2, which authorizes electric public utilities to implement load interruptions and other departures from normal operations if necessary, is proposed for readoption without change.

Subchapter 5. Petroleum Products

N.J.A.C. 14:29-5.1 describes the “set aside” that certain suppliers of regulated petroleum products are required to keep for emergency purposes during an energy emergency. The section is proposed for readoption with amendments to subsection (c) that replace the form of notification being made by mail or facsimile with a requirement that notification be in writing and that directs the supplier to obtain the address from a given rule reference or website.

N.J.A.C. 14:29-5.2, which authorizes the Board to direct a petroleum set aside to a particular end-user if necessary, is proposed for readoption without change.

N.J.A.C. 14:29-5.3, which requires certain information and reporting by prime suppliers and prohibits discrimination between affiliates and non-affiliates, is proposed for readoption with technical amendments to subsection (d), which adds an option to provide information to the Board by e-mail and update the mailing address.

N.J.A.C. 14:29-5.4, which details requirements for interruptible dual-fuel (natural gas and petroleum) customers, is proposed for readoption without change.

Subchapter 6. Regulation and Control of Sale of Motor Fuel

N.J.A.C. 14:29-6.1, which sets forth the scope of the subchapter, is proposed for readoption without change.

N.J.A.C. 14:29-6.2, which provides for the Board to restrict motor fuel sales for passenger automobiles on alternating days, is proposed for readoption without change.

N.J.A.C. 14:29-6.3, which provides for additional restrictions on sales of motor fuel, is proposed for readoption without change.

N.J.A.C. 14:29-6.4, which requires retail dealers to indicate to the public when fuel is available, is proposed for readoption without change.

N.J.A.C. 14:29-6.5, which provides for self-implementing exemptions to the odd/even motor fuel restrictions, is proposed for readoption without change.

N.J.A.C. 14:29-6.6, which provides certain exemptions from odd/even limitations is proposed for readoption with technical changes to identify the Division of Reliability and Security staff (in consultation with the Division of Energy), as the entity: issuing exemptions for certain vehicles and receiving completed applications for exemptions, in subsections (a) and (e) respectively, and to identify the Division of Reliability as the entity receiving documentation regarding an application for an exemption in subsection (d).

N.J.A.C. 14:29-6.7, which sets forth special provisions for retail motor fuel sales at long-standing truck stops, is proposed for readoption without change.

N.J.A.C. 14:29-6.8, which authorizes the police to waive the restrictions on sales of motor fuel in cases of bona fide emergency, is proposed for readoption without change.

N.J.A.C. 14:29-6.9, which requires a retail dealer to sell motor fuel on demand to an authorized emergency vehicle, is proposed for readoption without change.

N.J.A.C. 14:29-6.10, which provides that this subchapter preempts local laws, is proposed for readoption without change.

N.J.A.C. 14:29-6.11, which prohibits interference with a retail dealer’s compliance with the subchapter, and prohibits misrepresentation of a vehicle in order to evade the rules, is proposed for readoption without change.

N.J.A.C. 14:29-6.12, which prohibits preferential sales treatment, is proposed for readoption without change.

N.J.A.C. 14:29-6.13, which prohibits the sale of motor fuel in containers except for farm or commercial purposes, is proposed for readoption without change.

Social Impact

The rules proposed for readoption with amendments will have a substantial beneficial social impact. The Board’s energy emergency rules are an important component of disaster planning. Careful planning can make the difference between a disorganized and inefficient response to an emergency; and a coordinated, comprehensive response that allows the State to mobilize resources and implement effective action from the first day of the emergency. Because the rules outline clear steps that can be implemented when needed, the public will have an immediate reference for what to do in an energy emergency, and entities affected will have advance notice that they may need to comply with certain measures. This was particularly important following Superstorm Sandy, when, pursuant to Governor Christie’s Executive Order No. 108 (2012) and implementation of these rules, in particular the odd/even rationing, helped to alleviate long lines at gas stations in Northern New Jersey. The rules meet a significant need for control and conservation of the energy supply in times of energy shortage.

Economic Impact

The rules proposed for readoption with amendments have the potential to have a significant economic impact. However, as most of the compliance requirements only apply in unusual circumstances, the impact will rarely, if ever, be felt. In addition, the potential economic impact will vary greatly depending on the specific provisions implemented to address a particular energy emergency.

Some of the energy end-use measures, such as the “dialing down” of thermostats, will save money for some persons or companies. However, other measures, such as rescheduling workers or reducing hours of operation, may result in higher costs. The Board will likely incur additional expenses in processing exemption applications.

It should be noted that, any adverse economic impact, may be offset by the mitigation and prevention of, among other things, hoarding and other economically damaging consequences of an energy shortage set forth in the rules. This was evident following Superstorm Sandy when the acute shortage of gasoline required the implementation of odd/even rationing. Thus, if these rules were not implemented in a time of energy shortage, the economy could be damaged significantly, and the impact on employment could be much worse than the impact caused by the rules. Ultimately, it is impossible to predict New Jersey’s economic conditions during a future energy emergency. Therefore, an accurate estimate of the economic impacts of the rule is difficult to obtain.

Federal Standards Statement

Executive Order No. 27 (1994) and P.L. 1995, c. 65 (N.J.S.A. 52:14B-22 through 24) require State agencies, which adopt State rules that exceed any Federal requirements, to include in the rulemaking document a comparison with Federal law. While comparable Federal law is found at 42 U.S.C. § 8511 et seq., the proposed amendments to N.J.A.C. 14:29 do not contain standards or requirements that exceed those Federal requirements. The Federal law requires the President to set Federal and state energy conservation targets in times of energy emergency. The state is then required to submit an energy conservation plan describing how the targets will be met. The Federal law also encourages the states to submit energy conservation plans in advance, in order to be prepared in the event of an energy emergency. The rules proposed for readoption with amendments are such a plan.

Jobs Impact

The Board anticipates that the rules proposed for readoption with amendments could have an impact on employment, because the measures authorized by the rules would have a significant impact on the availability of energy to various entities, many of which are employers. However, the degree of impact will depend on the particular measures implemented, which in turn will depend on the severity of the energy shortage underlying the energy emergency. In addition, the careful allocation and conservation of energy resources are crafted to minimize economic disruption resulting from an energy emergency, such as the gasoline rationing following Superstorm Sandy, thus, minimizing long-term adverse impacts on employment.

Agriculture Industry Impact

The Board anticipates that the rules proposed for readoption with amendments will continue to have a positive impact on the agriculture industry. The existing rules contain exemptions for farmers and farm vehicles from odd/even motor fuel restrictions and from prohibitions on sale of fuel in containers, and the proposed amendments do not affect these exemptions, which will ensure the continuity of operations. See N.J.A.C. 14:29-6.5(b)2 and 6.13(a).

Regulatory Flexibility Analysis

In accordance with the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., the Board has determined that the rules proposed for readoption with amendments will impose some additional reporting, recordkeeping, or other compliance requirements on small businesses. A small business, as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., is a business that has fewer than 100 full-time employees.

The entities affected by the rules proposed for readoption with amendments will undoubtedly include many small businesses, as the rules authorize a wide range of measures to control distribution and use

of all types of energy resources. If all of the measures are implemented, virtually all entities involved in the New Jersey energy industry will be affected, as well as countless energy end-users, whether commercial, industrial, or residential. However, the Board will choose among the measures as necessary to address a particular emergency and, therefore, it is impossible to predict with any accuracy how many small businesses will be affected and which they may be. It is unlikely that the rules proposed for readoption with amendments will require small businesses to hire consultants or other professionals to assist them in complying with these rules. Most of the provisions, including the proposed amendments, require simple actions to reduce energy consumption, rather than recordkeeping or submittal of information to the Board. The provisions that do require submittal of information are those relating to an application for an exemption from the rule requirements. However, the information required to apply for an exemption is readily available and the exemption applications would not require a business to hire a professional to assist. Furthermore, in view of the fact that the rules are of critical importance in managing a potential energy emergency, no special provisions are proposed for small businesses.

Housing Affordability Impact Analysis

The Board anticipates that the rules proposed for readoption with amendments will have no impact on affordable housing in New Jersey because the scope of the rules provide a framework for dealing with a potential energy emergency. It is extremely unlikely that the rules proposed for readoption with amendments will evoke a change in the average costs associated with housing, because the provisions will only be used temporarily, in a declared energy emergency.

Smart Growth Development Impact Analysis

The Board anticipates that the rules proposed for readoption with amendments will have no impact on smart growth in New Jersey because the scope of the rules proposed for readoption with amendments provide a framework for dealing with a potential energy emergency. It is extremely unlikely that the rules proposed for readoption with amendments would evoke a change in housing production in Planning Areas 1 or 2, or in designated centers, under the State Development and Redevelopment Plan, because the provisions will only be used temporarily, in a declared energy emergency, and would not affect the location of housing construction or the housing market.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 14:29.

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

14:29-1.1 Scope

(a)-(c) (No change.)

(d) Information regarding this chapter can be obtained on the Board’s website at <http://www.nj.gov/bpu/about/divisions/reliability/>.

14:29-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Authorized emergency vehicles” means vehicles of fire departments, utilities, police vehicles, ambulances, and such other vehicles as are approved by the [Director of the Division of Motor Vehicles in the Department of Law and Public Safety] **Chief Administrator of the New Jersey Motor Vehicle Commission** pursuant to N.J.S.A. 39:1-1 et seq.

...

“Farm vehicle” means any vehicle registered under the provisions of N.J.S.A. 39:3-24 (self-propelled farm tractors, traction equipment, and farm machinery) and N.J.S.A. 39:3-[15]25 (farm trucks) which bear farmer, farm use, or tractor plates.

...

14:29-1.3 Exemptions

(a) A person may apply **for an exemption from one or more of the requirements of this chapter on the basis of extraordinary hardship or public welfare** to the Division of [Energy in the Board of Public

Utilities, or its successor,] **Reliability and Security staff, which shall consult with the Division of Energy** [for an exemption from one or more of the requirements of this chapter on the basis of extraordinary hardship or public welfare].

(b)-(e) (No change.)

(f) An application under this section shall be submitted by mail to [the Division of Energy in the] Board [of Public Utilities] **staff**, at the address in N.J.A.C. 14:29-[7.2]5.3(d).

14:29-1.6 Website

The New Jersey Board of Public Utilities maintains a website at [www.bpu.state.nj.us] www.nj.gov/bpu. If the Governor declares an energy emergency, information pertaining to the energy emergency will be posted on the website from time to time to assist the public.

SUBCHAPTER 5. PETROLEUM PRODUCTS

14:29-5.1 Required set aside of regulated petroleum products

(a)-(b) (No change.)

(c) Seven business days before the start of each month, each prime supplier shall notify the Board of the quantity of its set aside for the upcoming month for each regulated petroleum product handled by the supplier. Notification must be made [by mail or by facsimile] **in writing to the Board at the address provided at N.J.A.C. 14:29-5.3(d) or at <http://www.nj.gov/bpu/about/divisions/reliability/>**.

(d)-(e) (No change.)

14:29-5.3 Prime suppliers—reporting, non-discrimination

(a)-(c) (No change.)

(d) The information required under this section shall be sent **either by e-mail to the address provided at <http://www.nj.gov/bpu/about/divisions/reliability/>, or by U.S. mail to:**

[Energy Emergency Coordinator
Division of Energy]New Jersey Board of Public Utilities
[44 South Clinton Avenue, 9th Floor]
PO Box 350
Trenton, [New Jersey] NJ 08625-0350

Attention: Energy Emergency Team

(e)-(f) (No change.)

SUBCHAPTER 6. REGULATION AND CONTROL OF SALE OF MOTOR FUEL

14:29-6.6 Exemptions from odd/even limits; by application

(a) This section provides for exemptions for certain vehicles, to be issued by **the Division of Reliability and Security staff, in consultation with the Division of Energy** [in the Board of Public Utilities or its successor], from the odd/even restrictions on sales of motor fuel at N.J.A.C. 14:29-6.2. An exemption issued under this section applies to the vehicle and not to its operator.

(b)-(c) (No change.)

(d) To obtain an exemption under this section, a person shall submit an application to the Division of [Energy] **Reliability and Security**, at the address in N.J.A.C. 14:29-5.3(d), which includes documentation that one or more of the following criteria are met:

1.-4. (No change.)

(e) To obtain an exemption under this section, a person shall submit a completed application to the **Division of Reliability and Security staff, which in consultation with the [Division of Energy. The] Division of Energy**, shall determine the type and amount of documentation necessary to adequately demonstrate that a vehicle meets the criteria at (d) above.

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Persons with Disabilities Identification Cards, Placards, and License Plates

Proposed Amendments: N.J.A.C. 13:20-9.1, 9.2, 9.4, 9.5, 9.6, and 9.7

Authorized By: Motor Vehicle Commission, Raymond P. Martinez, Chairman.

Authority: N.J.S.A. 39:4-204, 39:4-205, 39:4-206, and 39:4-207 and P.L. 2013, c. 3.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2013-094.

Submit written comments by August 2, 2013 to:

Kate Tasch, APO
Regulatory and Legislative Affairs
Motor Vehicle Commission
225 East State Street
PO Box 162
Trenton, New Jersey 08666-0162

The agency proposal follows:

Summary

The public comment period for this notice of proposal will be 60 days. This notice of proposal is, therefore, excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

The purpose of the proposed amendments to the rules by the Motor Vehicle Commission (“Commission” or “MVC”) is to revise the standards for issuing and overseeing the identification cards, placards, and license plates reserved for people with disabilities and to limit fraudulent use of the privileges reserved for such individuals pursuant to N.J.S.A. 39:4-204 et seq.

The Commission currently issues specialized identification cards, placards, and license plates to those individuals who qualify as a person with a disability pursuant to N.J.S.A. 39:4-204, 39:4-205, and 39:4-206. Individuals who are in receipt of identification cards, placards, and/or license plates are given special parking and other privileges outlined in Title 39, Chapter 4 of the New Jersey Statutes. This process is administered pursuant to rules promulgated by the Chief Administrator and subject to oversight by the Commission. The Chief Administrator also has authority to revoke an ID card, placard, or license plate for abuse of any privilege or benefit granted to a person to whom such ID card, placard, or license plate has been validly issued. See N.J.S.A. 39:4-205.

Currently, an applicant submits an initial application for an ID card, placard, and/or license plate to the Commission that includes a physician certification statement. The statement certifies that the applicant has a medical condition that qualifies him or her for the benefits and privileges reserved for a person with a disability pursuant to N.J.S.A. 39:4-204. After the initial application, a self-certification is required every three years certifying that the qualifying condition continues to exist. This self-certification allows for the ID card and license plate registration to be renewed. The placards currently do not expire. As of 2010, the Commission had 430,000 active placards in the database and estimated that initial applications numbered over 41,000 per year.

With the recent passage of P.L. 2013, c. 3, the requirements for obtaining and keepings these benefits have undergone significant change. The revised statutes, specifically N.J.S.A. 39:4-204 through 206, 207.1, and 207.4 through 207.9, call for the placards to expire every three years, along with the ID cards, and require physician certification each and every time a renewal is requested.

The new provisions of the law are intended to limit fraudulent use of the license plates and placards either by an individual other than whom the ID card, placard, or license plate was issued to, or by the individual to whom the placard was appropriately issued but who no longer has a qualifying disability.