



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

MISCELLANEOUS

IN THE MATTER OF THE NEW JERSEY BOARD OF)
PUBLIC UTILITIES' RESPONSE TO THE COVID-19) ORDER
PANDEMIC FOR A TEMPORARY WAIVER OF)
REQUIREMENTS FOR CERTAIN NON-ESSENTIAL)
OBLIGATIONS) DOCKET NO. EO20030254

Party of Record:

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

On March 19, 2020, the New Jersey Board of Public Utilities ("Board" or "BPU") ordered a temporary waiver of several of its regulatory requirements designed to allow utilities and other entities subject to the Board's jurisdiction to focus on providing essential services to the public, while minimizing the health threats caused by the COVID-19 Pandemic by curtailing activities not related to the imminent health and safety of the public.

The Board took these actions pursuant to *N.J.A.C. 14:1 et seq.*, which permits the Board to waive its rules when "full compliance with the rule(s) would adversely affect . . . the ability of said utility or other regulated entity to continue to render safe, adequate and proper service, or the interests of the general public." The Board also ordered that "all public utilities and regulated entities shall immediately cease any in-home or business visits unless there is an immediate risk to health and safety".

BACKGROUND

On January 30, 2020 the International Health Regulations Emergency Committee of the World Health Organization declared COVID-19 a "public health emergency of international concern," which means "an extraordinary event which is determined to constitute a public health risk to other States through the international spread of disease and to potentially require a coordinated international response."

On March 9, 2020, Governor Phil Murphy signed Executive Order No. 103, N.J.S.A. App.A:9-45 & App. A:9-47 (Murphy) (“EO 103”) in response to the COVID-19 Pandemic, in order to ensure the continuity of government services and protect the public during the State of Emergency. In that order, Gov. Murphy stated:

I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule, where the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management and the Commissioner of DOH. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45. E.O. 103, p. 6.

On May 13, 2020, Governor Phil Murphy signed Executive Order No. 142, N.J.S.A. App. 9-39 and -51 (“EO 142”) which served to modify Executive Order 122 (“EO 122”) in response to the COVID-19 Pandemic. EO 122 prohibited all non-essential construction projects from continuing in the State. In EO 142 the Governor has directed that non-essential construction activities may restart, subject to certain safety and social distancing requirements. Accordingly, EO 142 lifts the restrictions on non-essential construction projects subject to certain conditions found in paragraph 2 of EO 142.

DISCUSSION

In response to EO 103, EO 122, and EO 142, the Board issues the following guidance. While the procedural portions of the Board’s March Order remain in effect until the Board resumes normal business, the Board **HEREBY FINDS** the guidance to the utilities around construction activities including in-home visits has been superseded by EO 142 and all regulated entities may commence or resume non-essential construction projects in accordance with the specific mitigation requirements set forth in EO 142.

The Board may, in its discretion, offer future guidance to be provided in future proceedings, if the need shall arise.

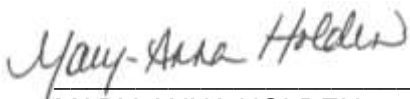
This Order shall be effective May 20, 2020.

DATED: May 20, 2020

BOARD OF PUBLIC UTILITIES
BY:



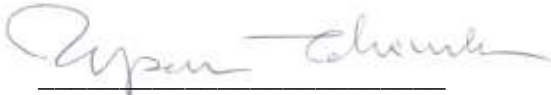
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COMMISSIONER

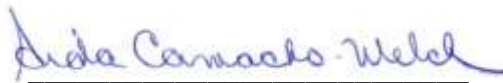


UPENDRA J. CHIVUKULA
COMMISSIONER



ROBERT M. GORDON
COMMISSIONER

ATTEST:



AIDA CAMACHO-WELCH
SECRETARY

**IN THE MATTER OF THE NEW JERSEY BOARD OF PUBLIC UTILITIES RESPONSE TO
THE COVID-19 PANDEMIC FOR A TEMPORARY WAIVER OF REQUIREMENTS FOR
CERTAIN NON-ESSENTIAL OBLIGATIONS
DOCKET NO. EO20030254**

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*The municipals listed are regulated only in terms of the customers served outside of the municipality’s limits and only for service issues, if the rates are equalized. Currently, the NJBPU-regulated municipal water systems all have equalized rates.

Office of Cable Television and Telecommunications

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