



Agenda Date: 10/6/21

Agenda Item: 9A

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 1<sup>st</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

ALL UTILITIES

IN THE MATTER OF THE NEW JERSEY BOARD )  
OF PUBLIC UTILITIES' UTILITY CUSTOMER )  
BILL OF RIGHTS )  
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)  
) DOCKET NO. AX21091111

**Parties of Record:**

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**Jeffrey Fuller**, Lake Lenape Water Company  
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BY THE BOARD:

## **BACKGROUND**

On January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the coronavirus disease of 2019 (“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 (“EO 103”)<sup>1</sup> declaring a State of Emergency and a Public Health Emergency in response to the COVID-19 pandemic, in order to ensure the continuity of government services and protect the public.

On October 15, 2020, Governor Murphy signed Executive Order No. 190 (“EO 190”) prohibiting gas, electric, and water companies from discontinuing any gas, electric, or water service to a NJ resident and from charging a fee for late or untimely payment. EO 190 further prohibited a cable or telecommunication provider that provides residential internet and voice services to NJ residents from terminating such service due to nonpayment prior to November 15, 2020, and prohibited disconnection of internet or voice service due to nonpayment after November 15, 2020 if the service was used by one or more school-aged children for educational purposes. EO 190 also prohibited cable or telecommunications providers from imposing late fees, penalties, or reconnection costs as condition of maintaining service.

On March 3, 2021, Governor Murphy signed Executive Order No. 229 extending the disconnection moratorium of EO 190 and all related protections provided therein through June 30, 2021.

On May 12, 2021, Governor Murphy signed temporary legislation requiring public and local utilities to provide notice to residential customers of available relief measures during the COVID-19 pandemic.<sup>2</sup> The May 2021 Legislation required monthly notice to residential customers for 18 months after the end of the Public Health Emergency as declared in EO 103.

On June 4, 2021, Governor Murphy signed legislation ending the COVID-19 Public Health Emergency within the State, but continued the restrictions on utility shut-off until January 2022.<sup>3</sup>

On June 14, 2021, Governor Murphy ended the moratorium as of June 30, 2021, but provided residential customers with a grace period on utility collection activity or shut-offs until December 31, 2021 (“EO 246”).<sup>4</sup> For those eligible for the Winter Termination Program, EO 246 effectively extended the moratorium until March 2022, which is the end of the winter termination period.

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<sup>1</sup> Exec. Order No. 103 (March 9, 2020), 52 N.J.R. 549(a) (April 6, 2020). EO 103 and all other executive orders referenced in this Order are published in the New Jersey Register and are also available online at: <https://nj.gov/infobank/eo/056murphy/>.

<sup>2</sup> L. 2021, c.97, [https://www.njleg.state.nj.us/2020/Bills/PL21/97\\_.HTM](https://www.njleg.state.nj.us/2020/Bills/PL21/97_.HTM) (“May 2021 Legislation”)

<sup>3</sup> L. 2021, c.103, [https://www.njleg.state.nj.us/2020/Bills/PL21/103\\_.HTM](https://www.njleg.state.nj.us/2020/Bills/PL21/103_.HTM)

<sup>4</sup> Exec. Order No. 246 (June 14, 2021), 53 N.J.R. 1185(a) (July 19, 2021).

On September 14, 2021, the Board issued an order in this docket revising the Customer Bill of Rights (“Bill of Rights”) to include the temporary protections established by the recent legislation and the Governor’s Executive Orders related to the COVID-19 pandemic (“September 2021 Order”). The Bill of Rights’ modifications also reiterated provisions of the May 2021 Legislation, to wit, providing monthly notices to residential customers concerning the available resources in utility assistance during the COVID-19 pandemic. The September 2021 Order, among other things, required utilities to provide a copy of the revised Bill of Rights to all current residential customers by September 28, 2021. Following the issuance of the September 2021 Order, Staff received several inquiries regarding methods of compliance with the requirements set forth therein, including but not limited to, monthly print notification or by electronic means; translation requirements set forth by the May 2021 Legislation; and other notification concerns. The instant order serves to provide clarification of the September 2021 Order.

Motion of Verizon New Jersey Inc.

On September 23, 2021, Verizon New Jersey Inc. (“Verizon”) filed a Motion seeking a partial waiver of the Board’s Order adopting the revised Bill of Rights (“Verizon Motion”).

Specifically, Verizon seeks a waiver of the September 2021 Order requirements that the revised Bill of Rights be provided to all current residential customers within seven (7) days of the effective date of the Order, and, thereafter, on a monthly basis. In its motion, Verizon stated that its current billing system allows changes to customer bills only at the beginning of each month, therefore making it impossible for Verizon to provide paper notices to customers through direct mailings by the compliance date of September 28, 2021, as required by the September 2021 Order. Verizon stated that in all other aspects, it has substantially complied with the notice directive of the Board by posting same on its website and sending emails to those customers with valid email addresses on record. Verizon sought relief from the September 28, 2021 date and requested a new compliance date of November 30, 2021 in order to coordinate with its outside vendor to complete the direct mailings.

**DISCUSSION AND FINDINGS**

After careful consideration of comments received, a review of the motion filed by Verizon, and Staff’s recommendations, the Board **HEREBY GRANTS**, in part, the motion filed by Verizon for an extension of time to fully comply with the September 2021 Order. The Board **HEREBY ORDERS** Verizon to provide its current residential customers with the revised Bill of Rights by October 27, 2021, and, thereafter, on a monthly basis as set out in this and the September 2021 Order. The Board **FURTHER ORDERS** all Incumbent Local Exchange Companies to provide the revised Bill of Rights to their residential customers by October 27, 2021, and, thereafter, on a monthly basis consistent with this and the September 2021 Order.

With respect to implementation of the September 2021 Order, it is **HEREBY ORDERED** that the following serve as clarification of the adopted provisions of the September 2021 Order:

1. Current residential customers who receive a printed version of their bills shall be provided with the revised Bill of Rights in paper format on a monthly basis. Current residential customers who receive their bills electronically shall be provided with the revised Bill of Rights electronically on a monthly basis. Regardless of which delivery method employed, all utility companies shall, on a monthly basis for 18 months after the end of the Public Health Emergency as declared in EO 103, provide the revised Bill of Rights to their residential customers in a form and fashion that would maximize receipt by the customers.
2. Pursuant to the May 2021 Legislation, an English and translated version of the revised Bill of Rights is required where the primary language of 10 percent or more of the population within a municipality is a language other than English as set forth therein. The monthly printed format of the revised Bill of Rights should also contain a translated version in said format, if required. For electronic billing residential customers, the monthly email should include a link to the translated version of the revised Bill of Rights in addition to the required English language version of the revised Bill of Rights.<sup>5</sup>
3. In addition to providing the revised Bill of Rights to the residential customer in an appropriate format as set out above, the revised Bill of Rights must also be prominently displayed on the utility company's website.
4. This notice requirement pertains to all gas, electric, water, and incumbent local exchange telephone public utilities within the jurisdiction of the Board.
5. The utility company shall report its compliance with the notice requirements set out in the September 2021 Order and this order by November 1, 2021, detailing the method of distribution to customers and providing the Board with a copy of the English version of the revised Bill of Rights that was sent by the utility company to the residential customer; and
6. For those utilities required to provide a translated version of the revised Bill of Rights in accordance with the May 2021 Legislation, a copy of the translated version shall be provided to the Board by November 1, 2021 along with the English version of the revised Bill of Rights that was sent by the utility company to the residential customer.

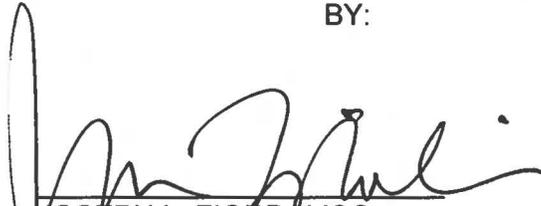
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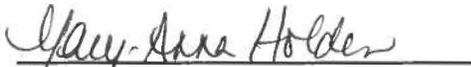
<sup>5</sup> "For a municipality served by a public utility or local utility in which the primary language of 10 percent or more of the population is a language other than English, the public utility or local utility shall provide notification in that other language or languages for use by customers in that municipality." See L. 2021, c.97, [https://www.njleg.state.nj.us/2020/Bills/PL21/97\\_.HTM](https://www.njleg.state.nj.us/2020/Bills/PL21/97_.HTM)

This order shall be effective October 13, 2021.

DATED: 10/6/21

BOARD OF PUBLIC UTILITIES  
BY:

  
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JOSEPH L. FIORDALISO  
PRESIDENT

  
\_\_\_\_\_  
MARYANNA HOLDEN  
COMMISSIONER

  
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DIANNE SOLOMON  
COMMISSIONER

  
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UPENDRA J. CHIVUKULA  
COMMISSIONER

  
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ROBERT M. GORDON  
COMMISSIONER

ATTEST:   
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AIDA CAMACHO-WELCH  
SECRETARY

**IN THE MATTER OF THE NEW JERSEY BOARD OF PUBLIC UTILITIES' UTILITY  
CUSTOMER BILL OF RIGHTS - DOCKET NO. AX21091111**

**SERVICE LIST**

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**Municipal Water Utilities\***

\*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.

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