



**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 )  
)  
) ORDER UPDATING REVISED UTILITY  
CUSTOMER BILL OF RIGHTS AND  
RULING ON WAIVER REQUESTS  
)  
) DOCKET NO. AX21091111

**Parties of Record:**

- Brian O. Lipman, Esq.**, Director, New Jersey Division of Rate Counsel
- Phillip J. Passanante, Esq.**, Atlantic City Electric Company
- Deborah Franco, Esq.**, Elizabethtown Gas Company and South Jersey Gas Company
- Joshua Eckert, Esq.**, Jersey Central Power and Light Company
- Andrew Dembia, Esq.**, New Jersey Natural Gas Company
- Matthew Weissman, Esq.**, Public Service Electric and Gas Company
- John L. Carley, Esq.**, Rockland Electric Company
- Debbie Albrecht, Esq.**, New Jersey American Water Company
- Rodolphe Bouichou**, Suez Water NJ, Inc.
- Jay L. Kooper, Esq.**, Middlesex Water Company
- Adam Burger**, AQUA New Jersey, Inc.
- David G. Ern**, Gordon's Corner Water Company
- John J. Brunetti**, Midtown Water Company
- David B. Simmons, Jr.**, Simmons Water Company
- Samuel Faiello**, Shore Water Company
- John Cannie**, Fayson Lakes Water Company
- Wendy Stewart**, Atlantic City Sewer Company
- J. Bryce Mendenhall**, Montague Water Company
- Jeffrey Fuller**, Lake Lenape Water Company
- Henryk Schwarz**, Mt. Olive Villages Water Company
- Robert H. Oostdyk, Jr., Esq.** of Murphy McKeon P.C., on behalf of the Borough of Butler
- Janine G. Bauer, Esq.**, AARP New Jersey State Office
- David McMillen, Esq.**, Legal Services of New Jersey
- Eric Miller, Esq.**, National Resources Defense Council
- Renee Steinhagen, Esq.**, New Jersey Citizen Action
- Keefe B. Clemons, Esq.**, Verizon New Jersey
- Pamela Sherwood, Esq.**, CenturyLink
- Bradford Stern, Esq.**, Warwick Valley Telephone Company

BY THE BOARD:

By Order dated February 3, 1986, the New Jersey Board of Public Utilities (“Board” or “BPU”) established a Consumer Bill of Rights (“Bill of Rights”), which set forth in plain language, the protections afforded to utility customers under the Board’s regulations.<sup>1</sup> Subsequently, on September 14, 2021, the Board issued a revised Bill of Rights incorporating certain changes made to the Board’s regulations since the establishment of the Bill of Rights, along with new temporary consumer protections mandated by Governor Phil Murphy through various executive orders due to the COVID-19 pandemic.<sup>2</sup> Those temporary protections issued by the Governor’s executive orders expire on December 31, 2021.<sup>3</sup>

Thereafter, on October 6, 2021, the Board issued an Order clarifying the notice requirements set out in the September 2021 Order<sup>4</sup>, which included language from the temporary legislation signed by Governor Murphy on May 12, 2021.<sup>5</sup>

The October 2021 Order required the utilities to provide the Board with a report evidencing compliance with the notice provisions set out in the Order, including providing copies of the revised Bill of Rights sent to customers and translations of those revised Bill of Rights in a different language, if applicable, pursuant to the May 2021 Legislation. The Board subsequently received requests for waivers from Mount Olive Villages Water Company and Mount Olive Villages Sewer Company (collectively referred to as “Mount Olive Villages”), Village Utility, LLC (“Village”), Butler Electric (“Butler”), Montague Water Company and Montague Sewer Company (collectively referred to as “Montague”), and Shore Water Company (“Shore”).

REQUEST FOR WAIVERS

By letters dated October 18, 2021, Mount Olive Villages advised the Board that it mailed the revised Bill of Rights to existing customers and will mail the revised Bill of Rights to each new customer. In their letter, Mount Olive Villages also informed the Board that it does not have a website or a customer service center within which to post a copy of the revised Bill of Rights as required in the September 2021 Order and October 2021 Order, respectively.

By letter dated October 18, 2021, Village notified the Board that it mailed a copy of the revised Bill of Rights to existing customers and will mail a copy of the revised Bill of Rights to each new customer. In its letter, Village also informed the Board that it does not have a website or customer service center within which to post a copy of the revised Bill of Rights as required in the September 2021 Order and October 2021 Order, respectively.

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<sup>1</sup> In re Utility Customer Bill of Rights, BPU Docket No. CO8602155, Order dated February 3, 1986.

<sup>2</sup> In re the New Jersey Board of Public Utilities’ Utility Customer Bill of Rights, BPU Docket No. AX21091111, Order dated September 14, 2021 (“September 2021 Order”).

<sup>3</sup> All Executive Orders signed by Governor Murphy are published in the New Jersey Register and are also available online at: <https://nj.gov/infobank/eo/056murphy/>.

<sup>4</sup> In re the New Jersey Board of Public Utilities’ Utility Customer Bill of Rights, BPU Docket No. AX21091111, Order dated October 6, 2021 (“October 2021 Order”).

<sup>5</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”)

On October 22, 2021, Butler submitted a letter to the Board requesting a reduction in the frequency of the dissemination of the revised Bill of Rights from monthly to quarterly. Butler stated that the reduction in frequency will reduce the cost and allow for other informational flyers to be included in the bill. In its letter, Butler informed the Board that it will continue to provide a version of the revised Bill of Rights on the back of their bill and would notify customers of the revised Bill of Rights in the message section.

By letter dated November 1, 2021, Montague notified the Board that it had complied with the Board's Order by mailing the revised Bill of Rights to all customers and that it would continue to include the revised Customer Bill of Rights in customers' monthly bills for 18 months following the Public Health Emergency being lifted as directed by the Board. Montague noted that printed bill customers will receive a printed copy and e-bill customers will receive an electronic copy. In its letter, Montague argued that it would be more efficient for it to include an internet link address on its paper bills that would direct the customer to the revised Bill of Rights. Montague, therefore, requested authorization to include the internet link address on its paper bills.

By letter dated November 9, 2021, Shore advised the Board that it primarily serves a seasonal population of 1,265 unmetered residential customers who are billed an annual flat rate for service from July 1<sup>st</sup> to June 30<sup>th</sup> of each year. Because its customer base is so limited, Shore requested that the revised Bill of Rights be posted on its website, which would also include an internet link to the Board's Customer Bill of Rights. Notwithstanding this request, Shore stated that it would be willing to do a mass mailing of the revised Bill of Rights to its customers if preferred by the Board.

### **DISCUSSION AND FINDINGS**

In response to the COVID-19 pandemic, the Board revised its Bill of Rights and required the utility companies within the State to provide notice to its customers of the protections granted to them through the Board's regulations and the new temporary rights put into place by Governor Murphy through December 31, 2021. Because those temporary rights established by the Governor have not been extended as of today's date, the Board **HEREBY FINDS** that an update to the revised Bill of Rights of September 14, 2021 is necessary and appropriate at this time to remove those temporary rights afforded by various Executive Orders issued by the Governor and reflect only those rights that exist effective January 1, 2022 to avoid any potential confusion to customers.

The Board **HEREBY UPDATES** the revised Bill of Rights as follows:

1. You have the right to utility service if you are a qualified applicant.
2. You have the right to a budget billing plan from your electric, gas, water or wastewater utility.
3. You are entitled to at least one deferred payment plan within a twelve-month period.
4. You have the right to apply for utility assistance programs which may include arrearage forgiveness. Learn more by calling your utility company or by calling 2-1-1. Information is also available online at [www.nj211.org/utility-assistance-programs](http://www.nj211.org/utility-assistance-programs).
5. A residential electric, gas, water, or wastewater customer who has been disconnected, shall have their service reconnected upon request if they can demonstrate they have applied to one of the following eligible assistance programs: Universal Service Fund; Low Income Home Energy Assistance; Payment Assistance for Gas and Electric, and Low

Income Household Water Assistance.<sup>6</sup> Also, the customer shall not have been enrolled in any of the assistance programs listed above during the prior year.

6. You have the right to have any complaint you make against your utility company handled promptly by that utility company.
7. You have the right to have your utility complaints and concerns investigated.
8. Your service may not be terminated for non-payment of disputed charges during a BPU investigation.
9. You have the right to have your meter tested free of charge once a year by your utility company if you suspect it is not working properly. For a \$5 fee, the meter test will be conducted under the supervision of the staff of the BPU.
10. You have the right to a written notice of termination from your utility company at least ten days prior to the discontinuance of service.
11. You have the right to gas and electric utilities service **from November 15 to March 15** without fear of termination of such services(s) under the Winter Termination Program. If you are a participant in an energy assistance program or a gas and/or electric customer having financial difficulties paying your bill, you can request the company enroll you in a budget plan based on your ability to pay provided you make good faith payments toward all reasonable bills for service.
12. You have the right to receive posted notice of any impending shutoff if you live in a multi-family dwelling. This notice must be posted in a common area and/or sent individually to occupants.
13. You have the right to have a "diversion of service" investigation if you suspect the level of consumption reflected in your utility bill is unexplainably high.
14. Service shall not be shut-off for non-payment of repair or merchandise charges. No notice threatening discontinuance based on these charges may be given.
15. You have the option of having a deposit refund applied to your account as a credit or having the deposit refunded by separate check.
16. A utility may not impose late fees, interest, or liens on residential customer accounts due to late payments.
17. Your residential service may not be shut-off on holidays, weekends, or after 1:00 p.m. prior to a holiday or weekend, or if you have a valid medical emergency.

Customers with questions may contact the Board at: 800-624-0241.

The Board **HEREBY FURTHER ORDERS** that all gas, electric, water and telecommunications companies under its jurisdiction comply with the following:

1. Provide all current residential customers with a copy of the updated revised Bill of Rights within seven (7) days from the effective date of this Order. Current residential customers who receive a printed version of their bills shall be provided with the updated revised Bill of Rights in paper format on a monthly basis. Current residential customers who receive their bills electronically shall be provided with the updated 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 updated revised Bill of Rights to their residential customers in a form and fashion that would maximize receipt by the customers;

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<sup>6</sup> The Low Income Household Water Assistance Program is a new program designed for water utility customers that is currently being developed by the Department of Consumer Affairs ("DCA").

2. Provide all new customers with a copy of the updated revised Bill of Rights upon initiation of service;
3. Pursuant to the May 2021 Legislation, an English and translated version of the updated 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 updated 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 updated revised Bill of Rights in addition to the required English language version of the updated revised Bill of Rights.<sup>7</sup>
4. In addition to providing the updated revised Bill of Rights to the residential customer in an appropriate format as set out above, the updated revised Bill of Rights must also be prominently displayed on the utility company's website, if applicable.
5. This notice requirement pertains to all gas, electric, water, and incumbent local exchange telephone public utilities within the jurisdiction of the Board.
6. The utility company shall report its compliance with the notice requirements set out in this order by January 31, 2022, detailing the method of distribution to customers and providing the Board with a copy of the English version of the updated revised Bill of Rights that was sent by the utility company to the residential customer; and
7. For those utilities required to provide a translated version of the updated revised Bill of Rights in accordance with the May 2021 Legislation, a copy of the translated version shall be provided to the Board by January 31, 2022 along with the English version of the updated revised Bill of Rights that was sent by the utility company to the residential customer.

Additionally, the Board has considered the waiver requests of Mount Olive Villages, Village, Butler, Montague, and Shore, and find certain of these requests to be reasonable under the circumstances explained in the respective letters.

Mount Olive Villages informed the Board that it does not have a website or customer service center within which to post a copy of the revised Bill of Rights as required in the September 2021 Order and October 2021 Order, respectively. After careful consideration of the respective companies' waiver requests, the Board **HEREBY GRANTS** the requests made by Mount Olive Villages because the Board interprets the legislation to require monthly notice to the customer as the primary requirement with the posting to a website or customer service center as an additional form of notice, assuming that a website and customer service center exists. The Board considers the monthly notices sent to the customers by Mount Olive Villages to be compliant with both the language and intent of the legislation.

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<sup>7</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)

With respect to the waiver request of Village, the reasoning for the granting of the waiver request of Mount Olive Villages similarly applies to Village. Therefore, the Board **HEREBY GRANTS** the waiver request of Village.

With respect to the waiver request of Butler, the Board **HEREBY GRANTS** in part and **DENIES** in part. Butler requested a reduction in the frequency of the notice from monthly to quarterly. However, the legislation requires monthly notice to customers to ensure customers are made aware, with frequency, of the rights afforded to them. Therefore, it would not be appropriate to grant this waiver request and, therefore, it is **DENIED**. However, the Board is empowered to determine the form and manner in which the customers receive the notice. Butler's request to print the revised Bill of Rights on the back of the monthly bill in order to allow for the addition of other information flyers without the creation of additional costs is a reasonable request and complies with the meaning and intent of the legislation and, therefore, it is **GRANTED**

With respect to the waiver request of Montague, the Board **HEREBY GRANTS** its request to permit the company to print an internet link on its monthly bill that will direct the customer to the revised Bill of rights. As explained above, the Board is authorized to decide the form and manner in which customers receive notice so long as the customer receives notice of the available protections afforded to them on a monthly basis.

With respect to the waiver request of Shore, the Board **HEREBY DENIES** the company's request to only post the revised Bill of Rights on its website. The Board took into consideration the company's relatively small and seasonal customer base. However, the Board interprets the legislation to require active monthly notification to customers in order to renew the customers' awareness of the protections created for their benefit. The Board believes providing notice solely on the company's website without any additional notification of the existence of these protections is passive notification and, therefore, fails to meet the language and intent of the legislation for notice to customers.

All protections granted by the Board through its regulations and reflected in this Order shall, however, **HEREBY** remain in full effect until such time as the Board enters a new Order.

The Board notes that no new regulations are created nor are any existing regulations changed by the establishment of the updated Bill of Rights. Rather, the updated Bill of Rights is wholly consistent with existing Board regulations. See N.J.A.C. 14:3-7 et seq.

This order shall be effective December 22, 2021.

DATED: December 15, 2021

BOARD OF PUBLIC UTILITIES  
BY:

  
\_\_\_\_\_  
JOSEPH L. FIORDALISO  
PRESIDENT

  
\_\_\_\_\_  
MARY-ANNA HOLDEN  
COMMISSIONER

  
\_\_\_\_\_  
DIANNE SOLOMON  
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' UTILITY  
CUSTOMER BILL OF RIGHTS**

**DOCKET NO. AX21091111**

**SERVICE LIST**

**Board of Public Utilities**

44 South Clinton Ave, 1<sup>st</sup> Floor  
P.O. Box 350  
Trenton, NJ 08625-350

Aida Camacho-Welch, Secretary  
[board.secretary@bpu.nj.gov](mailto:board.secretary@bpu.nj.gov)

Taryn Boland, Chief of Staff  
[taryn.boland@bpu.nj.gov](mailto:taryn.boland@bpu.nj.gov)

Robert Brabston, Esq., Executive Director  
[robert.brabston@bpu.nj.gov](mailto:robert.brabston@bpu.nj.gov)

Stacy Peterson, Deputy Executive Director  
[stacy.peterson@bpu.nj.gov](mailto:stacy.peterson@bpu.nj.gov)

Benjamin Witherell, Chief Economist  
[benjamin.witherell@bpu.nj.gov](mailto:benjamin.witherell@bpu.nj.gov)

**Counsel's Office**

Abraham Silverman, Esq., General Counsel  
[abe.silverman@bpu.nj.gov](mailto:abe.silverman@bpu.nj.gov)

Carol Artale, Esq., Deputy General Counsel  
[carol.artale@bpu.nj.gov](mailto:carol.artale@bpu.nj.gov)

Lanhi Saldana, Esq., Legal Specialist  
[lanhi.saldana@bpu.nj.gov](mailto:lanhi.saldana@bpu.nj.gov)

Charles Gurkas, Paralegal  
[charles.gurkas@bpu.nj.gov](mailto:charles.gurkas@bpu.nj.gov)

**Division of Clean Energy**

Crystal Pruitt, Deputy Director  
Office of Clean Energy Equity  
[crystal.pruitt@bpu.nj.gov](mailto:crystal.pruitt@bpu.nj.gov)

**Office of Communications**

Peter Peretzman  
[peter.peretzman@bpu.nj.gov](mailto:peter.peretzman@bpu.nj.gov)

**Division of Energy**

Paul Lupo, Acting Director  
[paul.lupo@bpu.nj.gov](mailto:paul.lupo@bpu.nj.gov)

Oneil Hamilton  
[oneil.hamilton@bpu.nj.gov](mailto:oneil.hamilton@bpu.nj.gov)

**Division of Water**

Michael Kammer, Director  
[mike.kammer@bpu.nj.gov](mailto:mike.kammer@bpu.nj.gov)

Kofi Ocansey  
[kofi.ocansey@bpu.nj.gov](mailto:kofi.ocansey@bpu.nj.gov)

**Division of Cable Television &  
Telecommunications**

Lawanda Gilbert, Director  
[lawanda.gilbert@bpu.nj.gov](mailto:lawanda.gilbert@bpu.nj.gov)

Harold Bond, Bureau Chief  
[harold.bond@bpu.nj.gov](mailto:harold.bond@bpu.nj.gov)

**Division of Customer Assistance**

Julie Ford-Williams, Director  
[julie.ford@bpu.nj.gov](mailto:julie.ford@bpu.nj.gov)

Richard Lambert  
[richard.lambert@bpu.nj.gov](mailto:richard.lambert@bpu.nj.gov)

Raymond Matos  
[raymond.matos@bpu.nj.gov](mailto:raymond.matos@bpu.nj.gov)

Maureen Clerc  
[maureen.clerc@bpu.nj.gov](mailto:maureen.clerc@bpu.nj.gov)

Tony Iskander  
[tony.iskander@bpu.nj.gov](mailto:tony.iskander@bpu.nj.gov)

**Division of Rate Counsel**  
140 East Front Street, 4<sup>th</sup> Floor  
Trenton, NJ 08625-0003

Brian O. Lipman, Esq.,  
Director  
[blipman@rpa.nj.gov](mailto:blipman@rpa.nj.gov)

Susan McClure, Esq.  
[smcclure@rpa.nj.gov](mailto:smcclure@rpa.nj.gov)

David Wand, Esq.  
Managing Attorney  
[dwand@rpa.nj.gov](mailto:dwand@rpa.nj.gov)

**Department of Community Affairs**  
Division of Housing & Community Resources  
101 South Broad Street  
Post Office Box 811  
Trenton, NJ 08624-0811

Janel Winter  
Director  
[janel.winter@dca.nj.gov](mailto:janel.winter@dca.nj.gov)

Fidel Ekhelar  
Director  
USF& LIHEAP Programs  
[fidel.ekhelar@dca.nj.gov](mailto:fidel.ekhelar@dca.nj.gov)

**Electric and Gas Companies**

**PSE&G**  
80 Park Plaza, T-5  
Newark, NJ 07102-4194

Matthew Weissman, Esq.  
Managing Counsel, State Regulatory  
[matthew.weissman@pseg.com](mailto:matthew.weissman@pseg.com)

Danielle Lopez, Esq.  
Associate Counsel  
[danielle.lopez@pseg.com](mailto:danielle.lopez@pseg.com)

Brian Weeks, Esq.  
[bweeks@rpa.nj.gov](mailto:bweeks@rpa.nj.gov)

Maria Novas-Ruiz, Esq.  
[mnovas-ruiz@rpa.nj.gov](mailto:mnovas-ruiz@rpa.nj.gov)

Robert Glover, Esq.  
[rglover@rpa.nj.gov](mailto:rglover@rpa.nj.gov)

Debora Layugan  
[dlayugan@rpa.nj.gov](mailto:dlayugan@rpa.nj.gov)

Susan Baldwin  
SM Baldwin Consulting  
13 Church Hill Street  
Watertown, MA 02472  
[smbaldwinconsulting@gmail.com](mailto:smbaldwinconsulting@gmail.com)

**Department of Law and Public Safety**  
Richard J. Hughes Justice Complex  
Public Utilities Section  
25 Market Street, P.O. Box 112  
Trenton, NJ 08625

Daren Eppley, Section Chief  
[daren.eppley@law.njoag.gov](mailto:daren.eppley@law.njoag.gov)

Pamela Owen, Assistant Section Chief  
[pamela.owen@law.njoag.gov](mailto:pamela.owen@law.njoag.gov)

Terel Klein, DAG  
[terel.klein@law.njoag.gov](mailto:terel.klein@law.njoag.gov)

Michael Beck, DAG  
[michael.beck@law.njoag.gov](mailto:michael.beck@law.njoag.gov)

**NJNG**  
1415 Wyckoff Road  
Post Office Box 1464  
Wall, NJ 07719

Andrew K. Dembia, Esq.  
[adembia@njng.com](mailto:adembia@njng.com)

Mark G. Kahrer  
[mkahrer@njng.com](mailto:mkahrer@njng.com)

Katherine Smith, Esq.  
Associate Counsel  
[katherine.smith@pseg.com](mailto:katherine.smith@pseg.com)

Michele Falcao  
Regulatory Case Supervisor  
[michele.falcao@pseg.com](mailto:michele.falcao@pseg.com)

Bernard Smalls  
Paralegal  
[bernard.smalls@pseg.com](mailto:bernard.smalls@pseg.com)

Caitlyn White  
Regulatory Case Coordinator  
[caitlyn.white@pseg.com](mailto:caitlyn.white@pseg.com)

Claire Bartolomeo  
Payment Assistance Outreach  
[claire.bartolomeo@pseg.com](mailto:claire.bartolomeo@pseg.com)

Rosa Pagnillo-Lopez  
[rosa.pagnillo-lopez@pseg.com](mailto:rosa.pagnillo-lopez@pseg.com)

**Atlantic City Electric Co.**  
Pepco Holdings, LLC – 92DC56  
500 N. Wakefield Drive  
PO Box 6066  
Newark, DE 19714-6066

Philip J. Passanante, Esq.  
[philip.passanante@pepcoholdings.com](mailto:philip.passanante@pepcoholdings.com)

Evalene Wright  
[evalene.wright@pepcoholdings.com](mailto:evalene.wright@pepcoholdings.com)

Alita Corbett  
[atcorbett@pepco.com](mailto:atcorbett@pepco.com)

**Rockland Electric Co.**  
Consolidated Edison Co. of NY  
4 Irving Place  
New York, NY 10003

John L. Carley, Esq.  
Associate General Counsel  
[carleyj@coned.com](mailto:carleyj@coned.com)

Margaret Comes, Esq.  
Regulatory Associate Counsel  
[comesm@coned.com](mailto:comesm@coned.com)

Tina Trebino  
[ttrebino@njng.com](mailto:ttrebino@njng.com)

Susan Fastuca  
[sfastuca@njng.com](mailto:sfastuca@njng.com)

Maria Delaplain  
[mdelaplain@njng.com](mailto:mdelaplain@njng.com)

Suzanne Bostwick  
[sbostwick@njng.com](mailto:sbostwick@njng.com)

**JCP&L**  
300 Madison Ave  
Morristown, NJ 07960

Joshua Eckert, Esq.  
[jeckert@firstenergycorp.com](mailto:jeckert@firstenergycorp.com)

Leonard Howell, Supervisor  
Human Services  
[lhowell@firstenergycorp.com](mailto:lhowell@firstenergycorp.com)

Michael Connolly, Esq.  
Cozen O'Connor  
One Gateway Center, Suite 910  
Newark, NJ 07102  
[mconnolly@cozen.com](mailto:mconnolly@cozen.com)

**South Jersey Gas Company and  
Elizabethtown Gas Company**  
520 Green Lane  
Union, NJ 07083

Deborah Franco, Esq.  
Regulatory Affairs Counsel  
[dfranco@sjindustries.com](mailto:dfranco@sjindustries.com)

Diana Donnelly  
Director Customer Experience ETG  
[ddonnelly@sjindustries.com](mailto:ddonnelly@sjindustries.com)

1 South Jersey Place  
Atlantic City, NJ 08401

Marissa Travaline  
VP/Communications  
[mtravaline@sjindustries.com](mailto:mtravaline@sjindustries.com)

David Braunfotel  
Customer Assistance Director – O&R  
[braunfotel@oru.com](mailto:braunfotel@oru.com)

Jade Fell  
Customer Energy Services  
[fellj@oru.com](mailto:fellj@oru.com)

**Borough of Butler**

Robert H Oostdyk, Jr., Esq.  
Murphy McKeon P.C.  
51 Route 23 South  
Post Office Box 70  
Riverdale, NJ 07457  
[roostdyk@murphymckeonlaw.com](mailto:roostdyk@murphymckeonlaw.com)

James Lampmann  
Borough Administrator  
1 Ace Road  
Butler, NJ 07405  
[jlampmann@butlerborough.com](mailto:jlampmann@butlerborough.com)

**Water/Wastewater Companies**

Gordon's Corner Water Company  
27 Vanderburg Road  
Post Office Box 145  
Marlboro, NJ 07746

David Ern, President  
[dgern@gordonscornerwater.com](mailto:dgern@gordonscornerwater.com)

Eric Olsen  
[eolsen@gordonscornerwater.com](mailto:eolsen@gordonscornerwater.com)

Aqua NJ, Inc.  
10 Black Forest Road  
Hamilton, NJ 08691

Lawrence Carson, President  
[Lrcarson@aquaamerica.com](mailto:Lrcarson@aquaamerica.com)

Adam Burger  
[Aburger@aquaamerica.com](mailto:Aburger@aquaamerica.com)

Kimberly Joyce  
[kajoyce@aquaamerica.com](mailto:kajoyce@aquaamerica.com)

Gina O'Donnell  
[vodonnell@sjindustries.com](mailto:vodonnell@sjindustries.com)

Brian Jacobs  
Director Customer Experience  
[bjacobs@sjindustries.com](mailto:bjacobs@sjindustries.com)

Dominick Di Rocco, Esq.  
[ddirocco@sjindustries.com](mailto:ddirocco@sjindustries.com)

Middlesex Water Company  
481 C Route 1 South, Suite 400  
Iselin, NJ 08830

Dennis W. Doll  
[ddoll@middlesexwater.com](mailto:ddoll@middlesexwater.com)

Jay Kooper  
[jkooper@middlesexwater.com](mailto:jkooper@middlesexwater.com)

Suez Water NJ, Inc.  
461 From Road, Suite 400  
Paramus, New Jersey 07652

Alan Weland  
[Alan.weland@suez.com](mailto:Alan.weland@suez.com)

Gary Prettyman  
[Gary.prettyman@suez.com](mailto:Gary.prettyman@suez.com)

Rodolphe Bouichou  
[Rodolphe.bouichou@suez.com](mailto:Rodolphe.bouichou@suez.com)

Bill Packer  
[wcpackerjr@aquaaamerica.com](mailto:wcpackerjr@aquaaamerica.com)

NJ American Water Company  
One Water Street  
Camden, NJ 08102

Cheryl Norton  
Executive Vice President and Chief  
Operating Officer  
[Cheryl.norton@amwater.com](mailto:Cheryl.norton@amwater.com)

Mark K McDonough  
President  
[Mark.mcdonough@amwater.com](mailto:Mark.mcdonough@amwater.com)

Debbie Albrecht, Esq.  
[Debbie.Albrecht@amwater.com](mailto:Debbie.Albrecht@amwater.com)

Christine Soares, Esq.  
[Christine.soares@amwater.com](mailto:Christine.soares@amwater.com)

Fayson Lakes Water Company  
John Cannie  
President  
160 Boonton Avenue  
Kinnelon, NJ 07405  
[flwc@optonline.net](mailto:flwc@optonline.net)

Montague Water Company  
J. Bryce Mendenhall  
2335 Sanders Road  
Northbrook, IL 60062  
[bryce.mendenhall@corix.com](mailto:bryce.mendenhall@corix.com)

Lake Lenape Water Company  
Jeffrey Fuller  
President  
83 Eagle Chase  
Woodbury, NY 11797  
[JMF1294@yahoo.com](mailto:JMF1294@yahoo.com)

Mt. Olive Villages Water Company  
Henryk Schwarz  
President  
200 Central Avenue  
Mountainside, NJ 07902  
[ZLN1@aol.com](mailto:ZLN1@aol.com)

Jim Cagle  
[jim.cagle@suez.com](mailto:jim.cagle@suez.com)

Midtown Water Company  
1655 US Highway 9  
Old Bridge, NJ 08857

John J. Brunetti, President  
[JBrunetti@Brunetti.com](mailto:JBrunetti@Brunetti.com)

William Iannacone,  
Tax Director  
[Wiannacone@Brunetti.com](mailto:Wiannacone@Brunetti.com)

Jennifer Zappola  
Tax Manager  
[Jzappola@Brunetti.com](mailto:Jzappola@Brunetti.com)

Shore Water Company  
105-23<sup>rd</sup> Avenue  
South Seaside Park, NJ 08752  
[shorewaterco@gmail.com](mailto:shorewaterco@gmail.com)

Samuel Faiello  
President  
[Samsjf@verizon.net](mailto:Samsjf@verizon.net)

Gloria Stuart  
[gloriafstuart@gmail.com](mailto:gloriafstuart@gmail.com)

Simmons Water Company  
David B. Simmons, Jr.  
President  
PO Box 900  
Branchville, NJ 07826  
[dbsjr@simmonstransport.com](mailto:dbsjr@simmonstransport.com)

Atlantic City Sewer Company  
1200 Atlantic Avenue, Suite 300  
Atlantic City, NJ 08401

Wendy Stewart  
President  
[wstewart@acsewera.com](mailto:wstewart@acsewera.com)

Carl Cordek  
[cordekc@aol.com](mailto:cordekc@aol.com)

**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.

**Village of Ridgewood**

131 N. Maple Ave #5  
Ridgewood, NJ 07450

Richard Calbi  
Director  
[rcalbi@ridgewoodnj.net](mailto:rcalbi@ridgewoodnj.net)

Heather Mailander  
Clerk  
[hmailander@ridgewoodnj.net](mailto:hmailander@ridgewoodnj.net)

Chris O'Leary, General Manager  
**Borough of Park Ridge Water**  
53 Park Avenue  
Park Ridge, NJ 07656  
[Coleary@parkridgeboro.com](mailto:Coleary@parkridgeboro.com)

Art Dysart, Superintendent  
**Clinton Water and Sewer Utility**  
43 Leigh Street  
Clinton, NJ 08809  
[artdysart@clintonnj.gov](mailto:artdysart@clintonnj.gov)

Richard Phelan  
Public Works/Business Administrator  
**Clinton Municipal Building**  
43 Leigh Street  
Clinton, NJ 08809  
[rphelan@clintonnj.gov](mailto:rphelan@clintonnj.gov)

Andrew-Dujack, President  
**Town of Dover Water Commissioners**  
100 Princeton Ave  
Dover, New Jersey 07801

John Gross, Interim CFO  
**Town of Dover**  
37 North Sussex Street  
Dover, NJ 07081  
[jgross@dover.nj.us](mailto:jgross@dover.nj.us)

John Allsebrook, Superintendent  
**Borough of Berlin Water Department**  
59 South White Horse Pike  
Berlin, NJ 08009  
[dpwsupt@berlinnj.org](mailto:dpwsupt@berlinnj.org)

Stacey DiVello, Finance  
**Borough of Berlin**  
59 South White Horse Pike  
Berlin, NJ 08009  
[Treasurer@berlinnj.org](mailto:Treasurer@berlinnj.org)

Debra DiMattia, CFO  
**Borough of Berlin**  
59 South White Horse Pike  
Berlin, NJ 08009  
[ddimattia@berlinnj.org](mailto:ddimattia@berlinnj.org)

Kristin Epstein, Assistant Director  
**Trenton Water Works**  
333 Cortland Street  
Post Office Box 528  
Trenton, NJ 08604  
[kepstein@trentonnj.org](mailto:kepstein@trentonnj.org)

Maria Kelly  
Assistant Municipal Attorney  
**City of Trenton**  
333 Cortland Street  
Trenton, NJ 08638  
[mkelly@trentonnj.org](mailto:mkelly@trentonnj.org)

Patricia McGowan, Water Clerk  
**City of Bordentown Water Department**  
324 Farnsworth Avenue  
Bordentown, NJ 08505  
[Pmcgowan@cityofbordentown.com](mailto:Pmcgowan@cityofbordentown.com)

John J. Walls  
Water Treatment Facility Operator  
**City of Bordentown**  
[Jwalls@cityofbordentown.com](mailto:Jwalls@cityofbordentown.com)

Robert Kinsey, Superintendent  
**Town of Dover Water**  
37 North Sussex Street  
Dover, NJ 07081  
[rkinsey@dover.nj.us](mailto:rkinsey@dover.nj.us)

Steve DiOrio, Superintendent  
**Collingswood Water Department**  
215 Hillcrest Ave  
Collingswood, NJ  
[sdiorio@collingswood.com](mailto:sdiorio@collingswood.com)

AARP  
Evelyn Liebman,  
Directory of Advocacy  
AARP NJ State Office  
303 George St., Suite 505  
New Brunswick, NJ 08901  
[ELiebman@aarp.org](mailto:ELiebman@aarp.org)

Janine G. Bauer, Esq.  
101 Grovers Mill Road  
Suite 200  
Lawrenceville, NJ 08648  
[jbauer@szaferman.com](mailto:jbauer@szaferman.com)

Affordable Housing Alliance  
3535 Route 66, Parkway 100  
Building 4  
Neptune Township, NJ 07753

Randi Moore, COO  
[aha-coo@housingall.org](mailto:aha-coo@housingall.org)

Donna Blaze, CEO  
[aha-ceo@housingall.org](mailto:aha-ceo@housingall.org)

Kathy Kerr, Utility Programs Director  
[aha-utilitydirector@housingall.org](mailto:aha-utilitydirector@housingall.org)

Anti-Poverty Network  
Renee Koubiadis  
Executive Director  
Anti-Poverty Network of NJ  
272 Dunns Mill Road, #327  
Acme Commons Center  
Bordentown, NJ 08505  
[renee@antipovertynetwork.org](mailto:renee@antipovertynetwork.org)

Kathy McCarthy  
Revenue Collector  
**Borough of Collingswood**  
678 Haddon Ave  
Collingswood, NJ 08108  
[kmccarthy@collingswood.com](mailto:kmccarthy@collingswood.com)

Mike McIntyre, Director  
**Wildwood Water Utility**  
3416 Park Boulevard  
Wildwood, NJ 08260  
[mmcintyre@wildwoodnj.org](mailto:mmcintyre@wildwoodnj.org)

NJUA  
Tom Churchelow, Esq.  
NJ Utilities Association  
154 West State Street, 1st Floor  
Trenton, NJ 08608  
[tchurchelow@njua.com](mailto:tchurchelow@njua.com)

Legal Services of NJ  
David McMillan, Esq.  
Legal Services of New Jersey  
100 Metroplex Drive, Suite 402  
Edison, NJ 08818  
[DMcMillin@lsnj.org](mailto:DMcMillin@lsnj.org)

Natural Resources Defense Council  
40 West 20<sup>th</sup> Street  
New York, NY 10011

Lawrence Levine, Esq.  
Director, Urban Water Infrastructure  
[llevine@nrdc.org](mailto:llevine@nrdc.org)

Eric Miller, Director  
NJ Energy Policy  
[EMiller@nrdc.org](mailto:EMiller@nrdc.org)

Engineers Labor-Employer Cooperative  
Gina Sullivan  
The Labor Management Fund of Operating  
Engineers Local 825  
65 Springfield Avenue, 2nd Floor  
Springfield, NJ 07081  
[GSullivan@elec825.org](mailto:GSullivan@elec825.org)

Citizen Action  
Beverly Brown Ruggia  
Financial Justice Program Director  
NJ Citizen Action  
The Hahne's Building  
625 Broad Street, Suite 270  
Newark, NJ 07102  
[beverly@njcitizenaction.org](mailto:beverly@njcitizenaction.org)

Food and Water Watch  
Matthew Smith  
NJ Director  
Food & Water Watch  
100 Bayard Street  
New Brunswick, NJ 08901  
[msmith@fwwatch.org](mailto:msmith@fwwatch.org)

NJ SHARES  
Cheryl Stowell  
CEO  
New Jersey SHARES, Inc.  
4 Walter E Foran Boulevard, Suite 105  
Flemington, NJ 08822  
[cstowell@njshares.org](mailto:cstowell@njshares.org)

Cullen and Dykman LLP

Bruce V. Miller  
Cullen and Dykman, LLP  
One Riverfront Plaza  
Newark, NJ 07102  
[bmiller@cullenllp.com](mailto:bmiller@cullenllp.com)

Sarmili Saha  
Cullen and Dykman LLP  
80 State Street, Suite 900  
Albany, New York 12207  
[ssaha@cullenllp.com](mailto:ssaha@cullenllp.com)

National Utilities Contractors Association  
Evan Piscitelli, Executive Director  
National Utilities Contractors Association  
3925 Chain Bridge Road, Suite 300  
Fairfax, VA 22030  
[nucaofnj@gmail.com](mailto:nucaofnj@gmail.com)

Utility & Transportation Contractors  
Association of NJ  
Dan Kennedy  
Director  
Utility & Transportation Contractors  
Association of NJ  
P.O. Box 728  
Allenwood, NJ 08720-0728  
[kennedy@utcanj.org](mailto:kennedy@utcanj.org)

NJ Department of Human Services  
Louise Rush  
Division Director  
Division of Aging Services  
P.O. Box 715  
Trenton, NJ 08625-0715  
[Louise.rush@dhs.nj.gov](mailto:Louise.rush@dhs.nj.gov)

**Incumbent Local Exchange Telephone Providers**

**Verizon New Jersey**

Keefe B. Clemons, Esq.  
General Counsel  
State Regulatory Affairs – East  
Verizon  
6 Bowdoin Square, 9th Floor  
Boston, MA 02114  
[keefe.b.clemons@verizon.com](mailto:keefe.b.clemons@verizon.com)

Ava-Marie Madeam, Esq., Vice President  
State Regulatory Affairs NY, NJ, CT  
Verizon  
999 West Main Street, 3rd Floor  
Freehold, NJ 07728  
[avamarie.p.madeam@verizon.com](mailto:avamarie.p.madeam@verizon.com)

Sylvia Del Vecchio, Manager  
Verizon New Jersey Inc.  
9 Gates Avenue, 2nd Floor  
Montclair, New Jersey 07042-3399  
[sylvia.l.del.vecchio@verizon.com](mailto:sylvia.l.del.vecchio@verizon.com)

**CenturyLink n/k/a Lumen**

Colleen Foley, Esq.  
Saul Ewing Arnstein & Lehr LLP  
One Riverfront Plaza, Suite 1520  
1037 Raymond Blvd.  
Newark, NJ 07102  
[colleen.foley@saul.com](mailto:colleen.foley@saul.com)

**Alteva of Warwick LLC d/b/a Warwick Valley Telephone**

Bradford M. Stern, Esq.  
Rothfelder Stern, LLC  
22 Lakeview Hollow  
Cherry Hill, NJ 08003  
[bstern@rothfelderstern.com](mailto:bstern@rothfelderstern.com)

**Momentum Telecom**

Nancy Drummond  
Tax Director  
1 Concourse Pkwy NE, Ste 600  
Atlanta, GA 30328  
[nancy.drummond@momentumtelecom.com](mailto:nancy.drummond@momentumtelecom.com)

**CenturyLink**

Pamela Sherwood, Esq.  
Assistant General Counsel  
4625 W 86th Street, Suite 500  
Indianapolis, IN 46268  
[pamela.sherwood@lumen.com](mailto:pamela.sherwood@lumen.com)

Joshua Motzer  
Director, Government Affairs  
37 W. Broad St Suite 470  
Columbus, OH 43215  
[josh.motzer@lumen.com](mailto:josh.motzer@lumen.com)

## RESIDENTIAL UTILITY CUSTOMER PROTECTIONS

(Effective January 1, 2022)

### Established by the New Jersey Board of Public Utilities (BPU)

*If you have questions about these consumer protections, you should contact your utility company at the number on your bill. If you have a complaint about your utility company or if your services are in jeopardy of being shut off, you should call the BPU at 800-624-0241 for assistance. Note: The BPU regulates only investor owned utility companies.*

1. You have the right to utility service if you are a qualified applicant.
2. You have the right to a budget billing plan from your electric, gas, water, or wastewater utility.
3. You are entitled to at least one deferred payment plan within a twelve-month period.
4. You have the right to apply for utility assistance programs which may include arrearage forgiveness. Learn more by calling your utility company or by calling 2-1-1. Information is also available online at [www.nj211.org/utility-assistance-programs](http://www.nj211.org/utility-assistance-programs).
5. A residential electric, gas, water, or wastewater customer who has been disconnected, shall have their service reconnected upon request if they can demonstrate they have applied to one of the following eligible assistance programs: Universal Service Fund; Low Income Home Energy Assistance; Payment Assistance for Gas and Electric, or Low Income Household Water Assistance.<sup>1</sup> Also, the customer shall not have been enrolled in any of the assistance programs listed above during the prior year.
6. You have the right to have any complaint you make against your utility company handled promptly by that utility company.
7. You have the right to have your utility complaints and concerns investigated.
8. Your service may not be terminated for non-payment of disputed charges during a BPU investigation.
9. You have the right to have your meter tested free of charge once a year by your utility company if you suspect it is not working properly. For a \$5 fee, the meter test will be conducted under the supervision of the staff of the BPU.
10. You have the right to a written notice of termination from your utility company at least ten days prior to the discontinuance of service.
11. You have the right to gas and electric utilities service **from November 15 to March 15** without fear of termination of such service(s) under the Winter Termination Program. If you are a participant in an energy assistance program or a gas and/or electric customer having financial difficulties paying

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<sup>1</sup> The Low Income Household Water Assistance program is a new program designed for water utility customers that is currently being developed by the Department of Consumer Affairs.

- your bill, you can request the company enroll you in a budget plan based on your ability to pay provided you make good faith payments toward all reasonable bills for service.
12. You have the right to receive posted notice of any impending shutoff if you live in a multi-family dwelling. This notice must be posted in a common area and/or sent individually to occupants.
  13. You have the right to have a "diversion of service" investigation if you suspect the level of consumption reflected in your utility bill is unexplainably high.
  14. Service shall not be shut-off for non-payment of repair or merchandise charges. No notice threatening discontinuance based on these charges may be given.
  15. You have the option of having a deposit refund applied to your account as a credit or having the deposit refunded by separate check.
  16. A utility may not impose late fees, interest, or liens on residential customer accounts due to late payments.
  17. Your residential services may not be shut-off on holidays, weekends, or after 1:00 p.m. prior to a holiday or weekend, or if you have a valid medical emergency.