

[iii.] 3. If the report is not received by the 30th day following the close of the reporting period, an electronic notice of delinquency shall be sent **both electronically and through U.S. mail** to the respective county prosecutor and the UCR representative of the New Jersey State Association of Chiefs of Police;

[2.] 4. (No change in text.)

[3.] 5. In the discretion of the Attorney General, appropriate action may include, but shall not be limited to, suspension or termination of eligibility to receive forfeiture moneys and/or award of grant funds provided to the law enforcement agency by or through the Department of Law and Public Safety, and additional notice of such action may be sent to the respective county prosecutor’s office, including authorizing the prosecutor to exercise direct oversight, as well as the governing body or chief executive of the municipality or other government entity; [and]

[4.] 6. At the time of compilation of any of the annual Uniform Crime Report, a reporting agency that has not supplied the necessary information after being contacted by the UCR Unit, shall be noted as “DID NOT REPORT” in the annual publication[.]; and

7. The Division of State Police UCR Unit shall make every effort to contact the head of the agency to ascertain the reasons for the delinquency and to assist with possible solutions to any identified problems.

PUBLIC UTILITIES

(a)

BOARD OF PUBLIC UTILITIES

All Utilities

Notice of Proposed Substantial Changes Upon Adoption to Proposed Amendments

Proposed Change: N.J.A.C. 14:3-3A.1

Proposed: February 22, 2022, at 54 N.J.R. 341(a).

Authorized By: New Jersey Board of Public Utilities, Joseph L. Fiordaliso, President, Mary-Anna Holden, Dianne Solomon, Upendra Chivukula, and Robert M. Gordon, Commissioners.

Authority: N.J.S.A. 48:2-13; 48:2-16, 16.1, 16.2, 16.3, 16.4, 17, 20, 23, 24, 25, and 27; 48:3-2.3, 3, 4, and 7.8; and 48:19-17.

BPU Docket Number: AX21070998.

The deadline for comments on this notice of proposed substantial changes upon adoption is October 14, 2022.

Please submit comments directly by using the Board of Public Utilities (Board’s) Public Document Search tool, search for the specific docket listed above, and post by utilizing the “Post Comments” button. Written comments may also be submitted. Please include subject matter and docket number and submit to:

Secretary of the Board
44 South Clinton Ave., 1st Floor
PO Box 350
Trenton, NJ 08625-0350
Attn: BPU Docket Number: AX21070998
Email: board.secretary@bpu.nj.gov
Phone: 609-292-1599

All comments are considered “public documents” for purposes of the State’s Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Commenters may identify information that they seek to keep confidential by submitting it in accordance with the confidentiality procedures set forth at N.J.A.C. 14:1-12.3.

Take notice that the Board of Public Utilities proposed amendments at N.J.A.C. 14:3-3A.1(d) on February 22, 2022, at 54 N.J.R. 341(a). The current rule requires a utility to provide reasonable notice to a customer when a utility suspends, curtails, or discontinues service to the customer for any reason other than nonpayment, to the extent reasonably possible. The proposed amendments: 1) added language specifying that such notice may include, but is not limited to, the use of two or more of the following: mailings, text messages, email, telephone calls, door hangers, and/or in-

person contact with the customer; 2) added language requiring the utility to provide proof of such notice to Board staff upon request; and 3) deleted existing language that otherwise would have allowed the utility to provide such notice “to the extent reasonably possible.” The public comment period closed on April 23, 2022.

The Board is proposing a substantial change to the amendment in response to comments received on the notice of proposal. Specifically, the Board is proposing to reinsert the deleted language and, thereby, require a utility to provide such newly prescribed two forms of notice to a customer “to the extent reasonably possible.” A summary of the comments that prompted the change, and the agency response to them is provided below. This notice of proposed substantial change is published pursuant to N.J.S.A. 52:14B-4.10.

Comments on the original proposal were received from Jersey Central Power & Light Company (JCP&L); New Jersey American Water Company (NJAWC); New Jersey Utilities Association (NJUA); and the regulated wholly owned subsidiaries of Verizon Communications Inc., operating in New Jersey, including Verizon New Jersey Inc. and MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services and MCI Communications Services LLC d/b/a Verizon Business Services (Verizon).

SUBCHAPTER 3A. DISCONTINUANCE AND RESTORATION OF SERVICE

N.J.A.C. 14:3-3A.1 Basis of Discontinuance of Service

1. COMMENT: The commenter objects to the proposed deletion of “to the extent reasonably possible” and changes that would require utilities to provide at least two different forms of notice before suspending, curtailing, or discontinuing service for any reason other than nonpayment. The commenter states that the discontinuance of service, in some cases, may be necessary to address safety, law enforcement-related, or other emergency issues. The proposed requirement of two notices in different forms may constrict the utilities’ ability to address hazardous situations in a timely manner, and under certain unusual conditions, it may not be feasible to provide advance notice without seriously compromising safety or reliability. The commenter does support the requirement to provide notice to the extent reasonably possible, but states that the new requirement is impractical, infeasible, and unsafe. (Verizon)

2. COMMENT: The commenter states the proposed amendments at N.J.A.C. 14:3-3A.1 can be taken as the company needing to give two notices before service disconnection for any reason at all other than nonpayment, which can be problematic for emergency and other safety purposes. The commenter is also concerned that an absolute requirement of prior notice would delay quick intervention and could expose persons and property to additional risk. Thus, the commenter requests that the “to the extent reasonably possible” language be retained. (NJAWC)

3. COMMENT: The proposed amendments at N.J.A.C. 14:3-3A.1 require two forms of notice before disconnecting for any reason other than nonpayment. The utilities recommend that the Board further amend this section to add back existing regulatory language stating that notice be provided “to the extent reasonably possible” as there are numerous circumstances requiring a utility to make repairs for safety and other emergency purposes or to respond to outages. In these cases, providing two notices is simply not feasible and will result in delays to necessary repair work required for safety and system reliability reasons. Requiring two notices would also impact disconnects made to address hazards caused by tampering, creating safety issues for customers and utility systems. Finally, the commenter notes that this two-notice method requirement may also delay energy delivery service suspension activities. (NJUA)

4. COMMENT: The commenter strongly opposes the proposed amendments to this section, as they will cause delayed restoration times for customers and will lead to the prolonged existence of hazardous conditions. Prompt action to disconnect a customer’s service may be necessary for the purpose of making repairs, complying with any governmental order or directive, or mitigating hazardous conditions that may place customers and utility employees at risk of physical harm or death. The utilities are currently required to notice such disconnections only “to the extent reasonably possible.” The proposed amendments abandon this provision and always require that two forms of notice be

provided before discontinuance of service for any reason. The proposed amendments will substantially impede the utilities' ability to provide safe and reliable service. For customers who have not provided a means of contacting them electronically, implementation of the proposed rule makes it necessary for utilities to send notice by mail and attempt to make in-person contact or leave a door hanger prior to disconnecting service. Moreover, the commenter's current systems would still require that each potentially impacted customer be manually identified before any electronic notice could be sent. The commenter strongly recommends that the Board not implement the proposed modifications. At a minimum, the phrase "to the extent reasonably possible" should not be stricken from the regulation in recognition of the fact that there are circumstances which will require prompt action by the utilities. (JCP&L)

RESPONSE TO COMMENTS 1, 2, 3, AND 4: Board staff originally deleted the phrase "to the extent reasonably possible" in the notice of proposal. After reviewing comments against that approach, the Board proposes to keep this language. While the Board believes that it is important that customers be notified when a utility suspends, curtails, or discontinues service for any reason other than nonpayment and that two forms of notification is preferred, the Board believes that there are times when this is not reasonably possible and the utilities should be able to disconnect service without providing two forms of notice. There are times when requiring two forms of notice will cause delayed restoration that can lead to the prolonged existence of hazardous conditions. Prompt action to disconnect a customer's service may be necessary for the purpose of making repairs, complying with any governmental order or directive, or mitigating hazardous conditions that may place customers and utility employees at risk of physical harm or death. Some customers have not provided a means of contacting them electronically and have not provided current phone information. When a utility needs to disconnect one of these customers, implementation of the proposed rule would make it necessary for the utility to send notice by mail and attempt to make in-person contact or leave a door hanger prior to disconnecting service. Waiting until a customer is reached by mail would cause significant delays before a utility could disconnect service. In these instances, the Board believes that the amendment, as originally proposed, would substantially impede the utilities' ability to provide safe and reliable service. Based on the foregoing, the Board proposes to keep the language "to the extent reasonably possible" in the rule.

Effect of Proposed Change on Impact Statements Included in Original Proposal

The change to the proposed amendment will not affect the impact statements included in the original notice of proposal. The change clarifies that the specified two forms of reasonable notice that must be provided to the customer when a utility suspends, curtails, or discontinues service for any reason other than nonpayment must be provided to the extent reasonably possible. This change will not affect the Social, Economic, Jobs, Agriculture Industry, or Racial and Ethnic Community Criminal Justice and Public Safety Impacts; the Federal Standards Statement; the Regulatory Flexibility Statement; or the Housing Affordability or Smart Growth Development Impact Analyses, as published in the original notice of proposal.

Full text of the proposed substantial change to the proposed amendments follows (deletions from proposal indicated in italicized cursive brackets {thus}):

SUBCHAPTER 3A. DISCONTINUANCE AND RESTORATION OF SERVICE

14:3-3A.1 Basis of discontinuance of service

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

(d) When a utility suspends, curtails, or discontinues service for any reason other than nonpayment, the utility shall provide reasonable notice to the customer{[, to the extent reasonably possible{)]. **Such notice may include, but is not limited to, the use of two or more of the following: mailings, text messages, email, telephone calls, door hangers, and/or in-person contact with the customer. The utility shall provide proof of such notice to Board staff upon request.**

(e) (No change.)

(a)

BOARD OF PUBLIC UTILITIES

Electric Service

Proposed Readoption with Amendments: N.J.A.C. 14:5

Proposed New Rule: N.J.A.C. 14:5-2.10

Authorized By: New Jersey Board of Public Utilities, Joseph L. Fiordaliso, President, Mary-Anna Holden, Dianne Solomon, Upendra Chivukula, and Robert M. Gordon, Commissioners.

Authority: N.J.S.A. 48:2-12, 48:2-13, 48:2-16, 48:2-25, and 48:3-96.

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

BPU Docket Number: EX21091121.

Proposal Number: PRN 2022-102.

The deadline for comments on this matter is 5:00 P.M. on October 14, 2022. Please submit comments directly to the specific docket above using the New Jersey Board of Public Utilities' (Board) Public Document Search (publicaccess.bpu.state.nj.us) tool and the "Post Comments" button. Written comments may also be submitted to:

Secretary of the Board
ATTN: EX21091121
44 South Clinton Ave., 1st Floor
PO Box 350
Trenton, NJ 08625-0350
Phone: 609-292-1599
Email: board.secretary@bpu.nj.gov

All comments are considered "public documents" for purposes of the State's Open Public Records Act. Commenters may identify information that they seek to keep confidential by submitting it in accordance with the confidentiality procedures set forth at N.J.A.C. 14:1-12.3.

The agency proposal follows:

Summary

The New Jersey Board of Public Utilities is proposing to readopt with amendments and a new rule, the provisions at N.J.A.C. 14:5, Electric Service, which were scheduled to expire on July 22, 2022, pursuant to N.J.S.A. 52:14B-5.1.c. As the Board filed this notice of readoption with the Office of Administrative Law prior to that date, the expiration date is extended 180 days to January 18, 2023, pursuant to N.J.S.A. 52:14B-5.1.c(2). The Electric Service rules delineate the requirements that electric distribution companies (EDCs), subject to the jurisdiction of the Board, must abide by in such areas as the construction, inspection, and maintenance of a utility plant, the testing and accuracy of electric meters, residential underground extensions, vegetation management, and the maintenance and preservation of records and accounts. The rules are necessary in that they relate directly to the provision of safe, adequate, and proper service by regulated New Jersey EDCs.

The substantive provisions of the chapter proposed for readoption with amendments and new rules by the Board are summarized as follows:

N.J.A.C. 14:5-1.1 delineates the scope and applicability of Chapter 5 and is proposed for readoption without amendment. Specifically, this section states that all EDCs are required to comply with the provisions at Chapter 5 and the provisions of the Board's rules for all utilities contained at Chapter 3.

N.J.A.C. 14:5-1.2 includes a list of definitions for terms that are used throughout Chapter 5. The section is proposed for amendment to add the following newly defined terms: "AMI" (advanced metering infrastructure), "assisted living facility," "danger tree," "full time equivalent," "hospital," "interruption, extended," "nursing home," and "total number of customers served." The terms "assisted living facility," "hospital," and "nursing home" were added to define their use at new N.J.A.C. 14:5-8.11(e); "danger tree," "interruption, extended," and "total number of customers served" were added to clarify their use in other definitions; and "AMI" and "full time equivalent" were added as new