

ADOPTIONS SECTION

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Notice of Administrative Corrections

Liquefied Petroleum Gas

N.J.A.C. 5:18-10.3 and 5:18 Appendix C

Effective Date: October 17, 2023.

Take notice that the Department of Community Affairs (Department) discovered errors within the text at N.J.A.C. 5:18-10.3 and 5:18 Appendix C. Specifically, at N.J.A.C. 5:18-10.3(c), there is a reference to the Bureau of Code Services, which has since been renamed the Division of Codes and Standards. At N.J.A.C. 5:18 Appendix C, there is a reference to an outdated email address and phone number for the Liquefied Petroleum Gas Safety Unit within the complaints section. Additionally, within the key questions consumers should ask section at N.J.A.C. 5:18 Appendix C, there is an outdated phone number to the Liquefied Petroleum Safety Unit and an outdated link to a webpage containing a list of licensed propane marketers. For accuracy, this notice of administrative correction removes the reference to the Bureau of Code Services at N.J.A.C. 5:18-10.3(c) and replaces it with a reference to the Division of Codes and Standards. This notice of administrative correction also removes the incorrect email and phone number within the complaints section at N.J.A.C. 5:18 Appendix C and inserts the correct email and phone contact information. Finally, this notice of administrative correction removes the outdated webpage link and unit phone number within the key questions consumers should ask

section at N.J.A.C. 5:18 Appendix C and inserts the current webpage link and phone number for the Liquefied Petroleum Gas Safety Unit.

The Department has requested, and the Office of Administrative Law has agreed to, such correction be made administratively. This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

Full text of the corrected rules follows (addition indicated in boldface and **thus**; deletion indicated in brackets [thus]):

SUBCHAPTER 10. LICENSING

5:18-10.3 Employee certification

(a) – (b) (No change.)

(c) Licensees shall maintain records of employee certification and shall make those records available to the [Bureau] **Division** upon request.

(**Agency Note:** The text of N.J.A.C. 5:18 Appendix C below incorporates the changes discussed above in final format as the appendix already includes text in permanent boldface.)

APPENDIX C

Disclosure of Customer Rights and Company Policies

Date _____

Qualifications

Customers have the right to know that the firm delivering propane or providing propane service is qualified. *Company X* is licensed by the State of New Jersey to perform propane delivery and service.

Our license number is *LPG-0XX*.

Terms of Service

Customers have the right to know about any special conditions of service that would be applied to them by their supplier. *Company X* will provide service subject to the following conditions:

- 1. *Company X* does / does not** require a credit application.
- 2. *Company X* does / does not** reserve the right to require payment at the time of delivery (Cash On Delivery or COD) for customers whose credit is questionable. COD customers may pay by the following means:

_____ Cash _____ Certified Check _____ Personal Check _____ Credit Card

- 3.** For other than COD deliveries *Company X* requires payment within _____ days of delivery. Late payments are subject to a late fee of _____. For propane service work, payment is subject to the conditions of the service contract.

- 4. *Company X* allows the following delivery methods:**

_____ Automatic Delivery (We schedule your delivery. Deliveries are made on a schedule as follows:

_____)

_____ Customer requested delivery (will call deliveries). The customer calls for deliveries. *Company X* must be notified _____ days before the desired delivery date. There

is a minimum delivery amount of ____ gallons. Deliveries below the minimum are subject to a surcharge of _____ dollars. If a customer runs out of gas the system must be leak checked prior to resuming service. Consult your contract for additional details.

Pricing Structure

Customers have the right to a written or verbal price quote upon request.

Company X bases its price of propane on the following factors:

_____ Estimated annual usage (lower rates apply for larger users)

_____ Time of year (lower rates apply for off season deliveries)

_____ Delivery day/time (higher rates apply to weekend, holiday, or deliveries made outside the hours of _____ am and _____ pm.)

_____ Type of delivery selected (will call versus automatic)

_____ Number of locations (lower rates for customers with multiple accounts)

_____ Customer location (higher rates apply for locations that require additional travel time)

_____ Other as described _____

Pricing Policy

Customers have the right to a price quote in a format that allows for comparison shopping. *Company X* charges for propane based on _____, and will convert that pricing into a dollars per gallon equivalent for comparison purposes. The price of propane like any commodity changes over time. This will affect your bill as the price fluctuates. *Company X* pricing policies will determine how often your bill is adjusted to account for changes in the cost of propane. We offer the following pricing options:

____ Budget pricing (payments for the year divided into a fixed monthly amount based on projected usage over a number of months. The last month of the year is used to pay the balance). The price is adjusted once a **month/year/other**.

____ Fixed pricing (the price is locked in for a specified period of time)

____ Pipeline pricing (Pricing is based on an amount above the wholesale price for a specific pipeline. As the pipe at the pipeline changes, so will your price)

Equipment Fees

Customers have the right to either rent equipment from Company X or use their own equipment. Company X has the following equipment related fees:

_____ Fee for the installation of tanks associated with a new service

_____ Fee for the replacement of tanks associated with an existing service

_____ Rental fee for tanks and regulators when using *Company X's* equipment

_____ Fee for inspecting tanks and regulators when Customer owned equipment is used

The fee is applied

_____ Prior to initial delivery

_____ Annually thereafter

_____ Other as described _____

_____ Fee for service work on *Company X's* equipment

_____ Fee for service work on customers equipment

_____ Fee for leak checking the customers system under the following conditions:

_____ Other as described: _____

Note: Fees for service work are based on the specifics of the particular job to be done, therefore prices are based on an estimate on a case by case basis.

Change of Supplier

Customers have the right to change suppliers if they are dissatisfied with the price or service offered. Discontinuance of service is subject to the terms of your contract. The following conditions apply to a discontinuance of service:

_____ *Company X* will remove our container within ____ days of written notification by the customer is discontinuing service.

_____ *Company X* will notify you of the removal date and approximate time _____ days prior to removal.

_____ *Company X* will charge for the removal of the container.

_____ *Company X* will credit the customer for any propane remaining in the container at the time of removal (you are permitted to be present when the remaining volume is removed).

Note: At one- or two-family residential properties the new marketer may disconnect and move containers owned by others; however the new marketer may not fill a container owned by another marketer. At other properties, the new marketer cannot remove, connect, disconnect, fill or refill any propane container without written permission from the owner of the container.

Disconnection

Customers have the right to be notified seven days prior to the disconnection of service for non-payment.

Complaints

The Liquefied Petroleum Gas Board regulates the licensing of marketers as well as enforcing safety regulations on LP-Gas systems. The LP-Gas Board does NOT regulate pricing. If you are dissatisfied with the price your marketer is charging, you have the right to change marketers in accordance with the terms of your contract with your current marketer.

1. Complaints or questions should first be brought to the attention of your marketer.

2. If you are not satisfied with your marketer's response and wish to pursue a complaint, contact the Department of Community Affairs at (609) 984-4257 or by email at LPGas@dca.nj.gov. Complaints by phone should be made Monday through Friday from 8:30 to 4:30.

Because rates and policies differ among marketers, first time customers or customers considering moving to a new marketer; should be informed enough to ask a few key questions.

Key Questions Consumers Should Ask When Changing Marketers

- Does the marketer have a current, valid license issued by the New Jersey Department of Community Affairs? The list of licensed marketers is available on the Department's website at <https://www.nj.gov/dca/divisions/codes/offices/lpgas.html> or by calling (609) 984-4257.
- Is there a written description of services that will be provided?
- Is there a charge to install the container and/or related equipment necessary to establish service?

- What is the most economical method of purchasing propane?
- Do you have to call when you need gas or will they schedule your deliveries?
- How often will you receive a delivery? What days are delivery days? Are deliveries made on weekends?
- How much will it cost to receive a delivery outside of your normal schedule?
- Is the price based on your annual usage, the area you live in, the quantity per delivery or other criteria?
- How long after delivery do you have to pay your bill?
- Is there a penalty for a late payment?
- What is the marketer's policy if you need fuel in the winter, but you still have an outstanding bill?
- Does the marketer offer any of discounts that apply to you?
- Does the marketer have an equal payment plan?
- Does the marketer install and/or service LP-Gas appliances?
- Does the marketer have a website address?

Be sure to address any other concerns you may have that are not listed above.

Energy Assistance

The following agency has programs available to assist low-income households with their energy bills. For more information, please contact directly:

- Low-Income Home Energy Assistance Program (LIHEAP) 1(800) 510-3102

Safety Recommendations

- When handled properly, LP-Gas is a safe and efficient fuel source.

- Ask your marketer what procedures they have in place to ensure safety and integrity of the system which serves you. One such safety program is the GAS check Program, a voluntary program developed by the National Propane Gas Association. Information on this program is available from your marketer or on the National Propane Gas Association website at www.npga.org or by calling (202) 466-7200.
- Follow all manufacturers instructions for the proper use and care of your LP-Gas appliances.
- NEVER attempt to repair or alter an LP-Gas appliance. Contact your marketer or a licensed service representative for assistance.
- Keep areas around LP-Gas appliances clean and clear of combustibles.
- You, as the customer, are required to maintain clear access to your LP-Gas container at all times.
- An odorant has been added to your LP-Gas so you can detect if your system develops a leak. Learn what LP-Gas smells like. Your marketer has scratch-and-sniff pamphlets to help your family recognize its distinctive odor.
- Learn how to turn off your gas supply. Some gas valves require the use of a wrench to operate them. Ask your marketer for assistance if you do not know how to turn off your gas supply.
- Check www.propanesafety.com, www.npga.org, the propane marketer's website or call your marketer for additional safety information.
- Ask your marketer whether all installations and services provided are in conformance with New Jersey Department of Community Affairs regulations.

- If you find an underground container dome or any other LP-Gas container completely submerged in water, turn off the container supply valve and notify your marketer.
- Keep underground container domes clear when it snows in case a delivery is needed.
- Notify your marketer prior to the installation of air conditioning or making any modifications to your home that are within ten feet of the container.

If You Smell Gas

1. Exit the building, without using the telephone or cell phone, operating any electrical switches or lighting any matches or smoking materials.
2. If possible, turn off the gas at the container or meter valve.
3. Call 911 from a neighbors home.
4. Do not re-enter the building until the emergency responder tells you it is safe to do so.

Your marketer is required to respond to your request for assistance in an emergency.