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"Governor signs bills, wields veto," CourierPostOnline.com, 1-14-14

LAW/RWH

P.L.2013, CHAPTER 184, *approved January 13, 2014*
Assembly, No. 2132 (*First Reprint*)

1 AN ACT providing electricity customers with price comparison
2 information and amending P.L.1999, c.23.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 8 of P.L.1999, c.23 (C.48:3-56) is amended to read
8 as follows:

9 8. a. Except as otherwise provided in **[this act]** P.L.1999, c.23
10 (C.48:3-49 et al.), and notwithstanding any provisions of R.S.48:2-
11 18, R.S.48:2-21, section 31 of P.L.1962, c.198 (C.48:2-21.2),
12 R.S.48:3-1 or any other law to the contrary, the board shall not
13 regulate, fix ^{1,1} or prescribe the rates, tolls, charges, rate structures,
14 rate base, or cost of service of competitive services.

15 b. For the purposes of **[this act]** P.L.1999, c.23 (C.48:3-49 et
16 al.), electric generation service is deemed to be a competitive
17 service.

18 c. The board is authorized to determine, after notice and
19 hearing, whether any other service offered by an electric public
20 utility is a competitive service. In making such a determination, the
21 board shall develop standards of competitive service which, at a
22 minimum, shall include: evidence of ease of market entry; presence
23 of other competitors; and the availability of like or substitute
24 services in the relevant market segment and geographic area.
25 Notwithstanding the presence of these factors, the board may
26 determine that any service shall remain regulated for purposes of
27 the public safety and welfare.

28 d. The board is authorized to determine, after notice and
29 hearing, and after appropriate review by the Legislature pursuant to
30 subsection k. of this section, whether to reclassify as regulated any
31 electric service or segment thereof that it has previously found to be
32 competitive, including electric generation service, if it determines
33 that sufficient competition is no longer present, upon application of
34 the criteria set forth in subsection c. of this section. Upon such a
35 reclassification, subsection a. of this section shall no longer apply
36 and the board shall determine such rates for that electric service
37 which it finds to be just and reasonable. The board, however, shall
38 continue to monitor the electric service or segment thereof and,
39 whenever the board shall find that the electric service has again
40 become sufficiently competitive pursuant to subsection c. of this

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ATU committee amendments adopted September 24, 2012.

1 section, the board shall again apply the provisions of subsection a.
2 of this section.

3 e. Nothing in **【this act】** P.L.1999, c.23 (C.48:3-49 et al.) shall
4 limit the authority of the board, pursuant to Title 48 of the Revised
5 Statutes, to ensure that electric public utilities do not make or
6 impose unjust preferences, discriminations, or classifications for
7 any services provided to customers.

8 f. (1) The board shall adopt, by rule, regulation ^{1,1} or order,
9 such fair competition standards, affiliate relation standards,
10 accounting standards ^{1,1} and reports as are necessary to ensure that
11 electric public utilities or their related competitive business
12 segments do not enjoy an unfair competitive advantage over other
13 non-affiliated purveyors of competitive services and in order to
14 monitor the allocation of costs between competitive and non-
15 competitive services offered by an electric public utility, and within
16 60 days after the starting date for implementation of retail choice
17 pursuant to subsection a. of section 5 of **【this act】** P.L.1999, c.23
18 (C.48:3-53), shall commence the process of conducting audits, at
19 the expense of the electric public utilities, to ensure compliance
20 with this section and section 7 of **【this act】** P.L.1999, c.23 (C.48:3-
21 55) and with the board's rules, regulations and orders adopted
22 pursuant to this section and section 7 of **【this act】** P.L.1999, c.23
23 (C.48:3-55). The board shall hire an independent contractor to
24 perform such audits.

25 (2) Subsequent audits shall take place no less than every two
26 years after the date of the decision rendered pursuant to subsection
27 k. of section 7 of **【this act】** P.L.1999, c.23 (C.48:3-55).

28 (3) The public utility or an intervenor shall have the right to
29 contest the methodology and rebut the findings of an audit
30 performed pursuant to this subsection, in a filing with the board.
31 The board shall take no action to functionally separate, structurally
32 separate ^{1,1} or require the divestiture of any portion of a public
33 utility's operations pursuant to this subsection until the public
34 utility, and any intervenors, have been afforded timely opportunity
35 to make such filing and until the board has issued a decision
36 thereon.

37 (4) If the board finds, as a result of any such audit, that
38 substantial violations of **【this act】** P.L.1999, c.23 (C.48:3-49 et al.)
39 or of the board's rules, regulations or orders adopted pursuant to this
40 section and section 7 of **【this act】** P.L.1999, c.23 (C.48:3-55) have
41 occurred which result in unfair competitive advantages for an
42 electric public utility, it shall: order the electric public utility to
43 establish and provide such services through a business unit which is
44 functionally separated from the electric public utility business unit
45 as a related competitive business segment of the utility, such that,
46 other than shared administration and overheads, employees of the
47 competitive services business unit shall not also be involved in the

1 provision of non-competitive utility and safety services, and the
2 competitive services are provided utilizing separate assets than
3 those utilized to provide noncompetitive utility and safety services;
4 order the electric public utility to establish and provide such
5 services through a structurally separate business unit or units
6 including, but not limited to, a related competitive business segment
7 of the public utility holding company; or order the electric public
8 utility to divest itself of any business units that provide such
9 services.

10 (5) If the board determines, as a result of the audit performed
11 pursuant to this subsection that an electric public utility has unfairly
12 allocated costs between its competitive and non-competitive
13 services, the board is authorized to require such utility to return to
14 the ratepayers an amount, equivalent to the amount of the costs
15 determined to be unfairly allocated, with interest, during the time
16 that the unfair allocation of costs occurred. In addition, the board is
17 authorized to order such utility to pay a fine of up to \$10,000 as a
18 result of the violation or violations determined to have occurred
19 pursuant to this subsection.

20 (6) Notwithstanding any requirements of the "Administrative
21 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the
22 contrary, the board shall initiate a proceeding and shall adopt, after
23 notice, provision of the opportunity for comment, and public
24 hearing, such fair competition and accounting standards as are
25 necessary on an interim basis to implement retail electric choice.
26 Such standards shall be effective as regulations immediately upon
27 filing with the Office of Administrative Law and shall be effective
28 for a period not to exceed 18 months, and may, thereafter, be
29 amended, adopted or readopted by the board in accordance with the
30 provisions of the "Administrative Procedure Act."

31 g. The board shall determine, by rule or order, what reports are
32 necessary to monitor the competitiveness of any service offered to a
33 customer of an electric public utility.

34 h. The board shall have the authority to take appropriate
35 increasingly stringent action, including the issuance of an order that
36 an electric public utility or its related competitive business segment
37 cease the offering of a competitive service, functionally separate or
38 structurally separate its competitive service offering from non-
39 competitive business functions, or divest itself of such services, in
40 the event that the board determines, after hearing, that recurring and
41 significant violations of its rules or orders adopted pursuant to
42 subsection f. of this section have occurred.

43 i. Nothing in **[this act]** P.L.1999, c.23 (C.48:3-49 et al.) shall
44 exempt an electric public utility from obtaining all applicable local,
45 State ^{1,1} and federal licenses or permits associated with the offering
46 of competitive services and complying with all applicable laws and
47 regulations regarding the provision of such services.

1 j. If the board finds, as a result of any audit conducted
2 pursuant to this section, that violations of the board's rules,
3 regulations or orders adopted pursuant to this section and section 7
4 of ~~【this act】~~ P.L.1999, c.23 (C.48:3-55) have occurred, which are
5 not substantial violations, the board is authorized to impose a fine
6 of up to \$10,000 against the electric public utility.

7 k. Prior to reclassifying as regulated any service it previously
8 found to be competitive, the board shall make recommendations to
9 the Legislature concerning the proposed reclassification. The
10 recommendations shall be deemed to be approved unless the
11 Legislature adopts a concurrent resolution stating that the
12 Legislature is not in agreement with all or any part of the
13 recommendations within 90 days following the date of transmittal
14 of the recommendations to the Legislature. The concurrent
15 resolution shall advise the board of the Legislature's specific
16 objections to the recommendations and shall direct the board to
17 submit revised recommendations which respond to those objections
18 within 45 days of the date of transmittal of the concurrent resolution
19 to the board.

20 1. The board ~~【shall】~~ ¹may¹ promulgate regulations to require
21 each electric public utility, electric power supplier, marketer,
22 government aggregator, and broker ¹engaged in the provision of
23 electricity to end use customers¹ to provide the board with adequate
24 and accurate price comparison information that will enable
25 customers to make informed choices regarding the purchase of
26 electric energy offered by that provider to customers. The board
27 ~~【shall then】~~ ¹may¹ compile that information into a single,
28 understandable database and post the database on its ¹Internet¹
29 website in a manner that enables customers to compare prices and
30 services on a uniform basis. The board may contract with a public
31 or private entity for the purpose of developing, administering, and
32 maintaining the database. The contract shall specify the duties and
33 responsibilities of the entity with respect to the development,
34 administration, and maintenance of the database. The board shall
35 monitor the work of the entity to ensure that the database is
36 developed, administered, and maintained pursuant to the
37 requirements of this section.

38 (cf: P.L.1999, c.23, s.8)

39
40 2. This act shall take effect immediately.

41
42
43
44
45 Authorizes BPU to promulgate regulations requiring electricity
46 providers to provide information so customers may compare prices
47 and services.

ASSEMBLY, No. 2132

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JANUARY 30, 2012

Sponsored by:

Assemblyman JOHN J. BURZICHELLI
District 3 (Cumberland, Gloucester and Salem)
Assemblyman DANIEL R. BENSON
District 14 (Mercer and Middlesex)
Assemblywoman CELESTE M. RILEY
District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Requires BPU to promulgate regulations requiring electricity providers to provide information so customers can compare prices and services.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/22/2012)

1 AN ACT providing electricity customers with price comparison
2 information and amending P.L.1999, c.23.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
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7 1. Section 8 of P.L.1999, c.23 (C.48:3-56) is amended to read
8 as follows:

9 8. a. Except as otherwise provided in **[this act]** P.L.1999, c.23
10 (C.48:3-49 et al.), and notwithstanding any provisions of R.S.48:2-
11 18, R.S.48:2-21, section 31 of P.L.1962, c.198 (C.48:2-21.2),
12 R.S.48:3-1 or any other law to the contrary, the board shall not
13 regulate, fix or prescribe the rates, tolls, charges, rate structures,
14 rate base, or cost of service of competitive services.

15 b. For the purposes of **[this act]** P.L.1999, c.23 (C.48:3-49 et
16 al.), electric generation service is deemed to be a competitive
17 service.

18 c. The board is authorized to determine, after notice and
19 hearing, whether any other service offered by an electric public
20 utility is a competitive service. In making such a determination, the
21 board shall develop standards of competitive service which, at a
22 minimum, shall include: evidence of ease of market entry; presence
23 of other competitors; and the availability of like or substitute
24 services in the relevant market segment and geographic area.
25 Notwithstanding the presence of these factors, the board may
26 determine that any service shall remain regulated for purposes of
27 the public safety and welfare.

28 d. The board is authorized to determine, after notice and
29 hearing, and after appropriate review by the Legislature pursuant to
30 subsection k. of this section, whether to reclassify as regulated any
31 electric service or segment thereof that it has previously found to be
32 competitive, including electric generation service, if it determines
33 that sufficient competition is no longer present, upon application of
34 the criteria set forth in subsection c. of this section. Upon such a
35 reclassification, subsection a. of this section shall no longer apply
36 and the board shall determine such rates for that electric service
37 which it finds to be just and reasonable. The board, however, shall
38 continue to monitor the electric service or segment thereof and,
39 whenever the board shall find that the electric service has again
40 become sufficiently competitive pursuant to subsection c. of this
41 section, the board shall again apply the provisions of subsection a.
42 of this section.

43 e. Nothing in **[this act]** P.L.1999, c.23 (C.48:3-49 et al.) shall
44 limit the authority of the board, pursuant to Title 48 of the Revised
45 Statutes, to ensure that electric public utilities do not make or

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 impose unjust preferences, discriminations, or classifications for
2 any services provided to customers.

3 f. (1) The board shall adopt, by rule, regulation or order, such
4 fair competition standards, affiliate relation standards, accounting
5 standards and reports as are necessary to ensure that electric public
6 utilities or their related competitive business segments do not enjoy
7 an unfair competitive advantage over other non-affiliated purveyors
8 of competitive services and in order to monitor the allocation of
9 costs between competitive and non-competitive services offered by
10 an electric public utility, and within 60 days after the starting date
11 for implementation of retail choice pursuant to subsection a. of
12 section 5 of **[this act]** P.L.1999, c.23 (C.48:3-53), shall commence
13 the process of conducting audits, at the expense of the electric
14 public utilities, to ensure compliance with this section and section 7
15 of **[this act]** P.L.1999, c.23 (C.48:3-55) and with the board's rules,
16 regulations and orders adopted pursuant to this section and section 7
17 of **[this act]** P.L.1999, c.23 (C.48:3-55). The board shall hire an
18 independent contractor to perform such audits.

19 (2) Subsequent audits shall take place no less than every two
20 years after the date of the decision rendered pursuant to subsection
21 k. of section 7 of **[this act]** P.L.1999, c.23 (C.48:3-55).

22 (3) The public utility or an intervenor shall have the right to
23 contest the methodology and rebut the findings of an audit
24 performed pursuant to this subsection, in a filing with the board.
25 The board shall take no action to functionally separate, structurally
26 separate or require the divestiture of any portion of a public utility's
27 operations pursuant to this subsection until the public utility, and
28 any intervenors, have been afforded timely opportunity to make
29 such filing and until the board has issued a decision thereon.

30 (4) If the board finds, as a result of any such audit, that
31 substantial violations of **[this act]** P.L.1999, c.23 (C.48:3-49 et al.)
32 or of the board's rules, regulations or orders adopted pursuant to this
33 section and section 7 of **[this act]** P.L.1999, c.23 (C.48:3-55) have
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35 electric public utility, it shall: order the electric public utility to
36 establish and provide such services through a business unit which is
37 functionally separated from the electric public utility business unit
38 as a related competitive business segment of the utility, such that,
39 other than shared administration and overheads, employees of the
40 competitive services business unit shall not also be involved in the
41 provision of non-competitive utility and safety services, and the
42 competitive services are provided utilizing separate assets than
43 those utilized to provide noncompetitive utility and safety services;
44 order the electric public utility to establish and provide such
45 services through a structurally separate business unit or units
46 including, but not limited to, a related competitive business segment
47 of the public utility holding company; or order the electric public

1 utility to divest itself of any business units that provide such
2 services.

3 (5) If the board determines, as a result of the audit performed
4 pursuant to this subsection that an electric public utility has unfairly
5 allocated costs between its competitive and non-competitive
6 services, the board is authorized to require such utility to return to
7 the ratepayers an amount, equivalent to the amount of the costs
8 determined to be unfairly allocated, with interest, during the time
9 that the unfair allocation of costs occurred. In addition, the board is
10 authorized to order such utility to pay a fine of up to \$10,000 as a
11 result of the violation or violations determined to have occurred
12 pursuant to this subsection.

13 (6) Notwithstanding any requirements of the "Administrative
14 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the
15 contrary, the board shall initiate a proceeding and shall adopt, after
16 notice, provision of the opportunity for comment, and public
17 hearing, such fair competition and accounting standards as are
18 necessary on an interim basis to implement retail electric choice.
19 Such standards shall be effective as regulations immediately upon
20 filing with the Office of Administrative Law and shall be effective
21 for a period not to exceed 18 months, and may, thereafter, be
22 amended, adopted or readopted by the board in accordance with the
23 provisions of the "Administrative Procedure Act."

24 g. The board shall determine, by rule or order, what reports are
25 necessary to monitor the competitiveness of any service offered to a
26 customer of an electric public utility.

27 h. The board shall have the authority to take appropriate
28 increasingly stringent action, including the issuance of an order that
29 an electric public utility or its related competitive business segment
30 cease the offering of a competitive service, functionally separate or
31 structurally separate its competitive service offering from non-
32 competitive business functions, or divest itself of such services, in
33 the event that the board determines, after hearing, that recurring and
34 significant violations of its rules or orders adopted pursuant to
35 subsection f. of this section have occurred.

36 i. Nothing in **[this act]** P.L.1999, c.23 (C.48:3-49 et al.) shall
37 exempt an electric public utility from obtaining all applicable local,
38 State and federal licenses or permits associated with the offering of
39 competitive services and complying with all applicable laws and
40 regulations regarding the provision of such services.

41 j. If the board finds, as a result of any audit conducted
42 pursuant to this section, that violations of the board's rules,
43 regulations or orders adopted pursuant to this section and section 7
44 of **[this act]** P.L.1999, c.23 (C.48:3-55) have occurred, which are
45 not substantial violations, the board is authorized to impose a fine
46 of up to \$10,000 against the electric public utility.

47 k. Prior to reclassifying as regulated any service it previously
48 found to be competitive, the board shall make recommendations to

1 the Legislature concerning the proposed reclassification. The
2 recommendations shall be deemed to be approved unless the
3 Legislature adopts a concurrent resolution stating that the
4 Legislature is not in agreement with all or any part of the
5 recommendations within 90 days following the date of transmittal
6 of the recommendations to the Legislature. The concurrent
7 resolution shall advise the board of the Legislature's specific
8 objections to the recommendations and shall direct the board to
9 submit revised recommendations which respond to those objections
10 within 45 days of the date of transmittal of the concurrent resolution
11 to the board.

12 1. The board shall promulgate regulations to require each
13 electric public utility, electric power supplier, marketer, government
14 aggregator, and broker to provide the board with adequate and
15 accurate price comparison information that will enable customers to
16 make informed choices regarding the purchase of electric energy
17 offered by that provider to customers. The board shall then compile
18 that information into a single, understandable database and post the
19 database on its website in a manner that enables customers to
20 compare prices and services on a uniform basis. The board may
21 contract with a public or private entity for the purpose of
22 developing, administering, and maintaining the database. The
23 contract shall specify the duties and responsibilities of the entity
24 with respect to the development, administration, and maintenance of
25 the database. The board shall monitor the work of the entity to
26 ensure that the database is developed, administered, and maintained
27 pursuant to the requirements of this section.

28 (cf: P.L.1999, c.23, s.8)

29

30 2. This act shall take effect immediately.

31

32

33

STATEMENT

34

35 This bill directs the Board of Public Utilities ("BPU") to
36 promulgate regulations requiring each electric public utility, electric
37 power supplier, marketer, government aggregator, and broker to
38 provide adequate and accurate price information so that customers
39 can compare services. The bill will allow customers to go to a
40 single source to obtain comparative information regarding the
41 prices and services of the many electricity providers in the State.

ASSEMBLY TELECOMMUNICATIONS AND UTILITIES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2132

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 24, 2012

The Assembly Telecommunications and Utilities Committee reports favorably Assembly Bill No. 2132 with committee amendments.

As amended, this bill authorizes the Board of Public Utilities (“BPU”) to promulgate regulations requiring each electric public utility, electric power supplier, marketer, government aggregator, and broker to provide adequate and accurate price information with respect to the provision of electricity to end use customers in New Jersey, so that customers may compare services. The BPU is further authorized to compile that information into a database to be posted on its Internet website in a manner that enables customers to compare prices and services on a uniform basis.

COMMITTEE AMENDMENTS

The committee amended the bill to authorize, rather than require, the BPU to promulgate regulations concerning the submission of price information and compilation of such information on its Internet website.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2132

STATE OF NEW JERSEY

DATED: DECEMBER 16, 2013

The Senate Economic Growth Committee reports favorably Assembly Bill, No. 2132 (1R).

As reported, this bill authorizes the Board of Public Utilities (BPU) to promulgate regulations requiring each electric public utility, electric power supplier, marketer, government aggregator, and broker to provide adequate and accurate price information with respect to the provision of electricity to end use customers in New Jersey, so that customers may compare prices and services. The BPU is further authorized to compile that information into a database to be posted on the BPU's Internet website in a manner that enables customers to compare prices and services on a uniform basis.

As reported by the committee, Assembly Bill No. 2132 (1R) is identical to Senate Bill No. 2181 which was amended and also reported by the committee on this date.

SENATE, No. 2181

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED SEPTEMBER 20, 2012

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Requires BPU to promulgate regulations requiring electricity providers to provide information so customers can compare prices and services.

CURRENT VERSION OF TEXT

As introduced.



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2 information and amending P.L.1999, c.23.

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11 18, R.S.48:2-21, section 31 of P.L.1962, c.198 (C.48:2-21.2),
12 R.S.48:3-1 or any other law to the contrary, the board shall not
13 regulate, fix or prescribe the rates, tolls, charges, rate structures,
14 rate base, or cost of service of competitive services.

15 b. For the purposes of **[this act]** P.L.1999, c.23 (C.48:3-49 et
16 al.), electric generation service is deemed to be a competitive
17 service.

18 c. The board is authorized to determine, after notice and
19 hearing, whether any other service offered by an electric public
20 utility is a competitive service. In making such a determination, the
21 board shall develop standards of competitive service which, at a
22 minimum, shall include: evidence of ease of market entry; presence
23 of other competitors; and the availability of like or substitute
24 services in the relevant market segment and geographic area.
25 Notwithstanding the presence of these factors, the board may
26 determine that any service shall remain regulated for purposes of
27 the public safety and welfare.

28 d. The board is authorized to determine, after notice and
29 hearing, and after appropriate review by the Legislature pursuant to
30 subsection k. of this section, whether to reclassify as regulated any
31 electric service or segment thereof that it has previously found to be
32 competitive, including electric generation service, if it determines
33 that sufficient competition is no longer present, upon application of
34 the criteria set forth in subsection c. of this section. Upon such a
35 reclassification, subsection a. of this section shall no longer apply
36 and the board shall determine such rates for that electric service
37 which it finds to be just and reasonable. The board, however, shall
38 continue to monitor the electric service or segment thereof and,
39 whenever the board shall find that the electric service has again
40 become sufficiently competitive pursuant to subsection c. of this
41 section, the board shall again apply the provisions of subsection a.
42 of this section.

43 e. Nothing in **[this act]** P.L.1999, c.23 (C.48:3-49 et al.) shall
44 limit the authority of the board, pursuant to Title 48 of the Revised
45 Statutes, to ensure that electric public utilities do not make or

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1 impose unjust preferences, discriminations, or classifications for
2 any services provided to customers.

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5 standards and reports as are necessary to ensure that electric public
6 utilities or their related competitive business segments do not enjoy
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18 independent contractor to perform such audits.

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25 The board shall take no action to functionally separate, structurally
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27 operations pursuant to this subsection until the public utility, and
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29 such filing and until the board has issued a decision thereon.

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35 electric public utility, it shall: order the electric public utility to
36 establish and provide such services through a business unit which is
37 functionally separated from the electric public utility business unit
38 as a related competitive business segment of the utility, such that,
39 other than shared administration and overheads, employees of the
40 competitive services business unit shall not also be involved in the
41 provision of non-competitive utility and safety services, and the
42 competitive services are provided utilizing separate assets than
43 those utilized to provide noncompetitive utility and safety services;
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45 services through a structurally separate business unit or units
46 including, but not limited to, a related competitive business segment
47 of the public utility holding company; or order the electric public

1 utility to divest itself of any business units that provide such
2 services.

3 (5) If the board determines, as a result of the audit performed
4 pursuant to this subsection that an electric public utility has unfairly
5 allocated costs between its competitive and non-competitive
6 services, the board is authorized to require such utility to return to
7 the ratepayers an amount, equivalent to the amount of the costs
8 determined to be unfairly allocated, with interest, during the time
9 that the unfair allocation of costs occurred. In addition, the board is
10 authorized to order such utility to pay a fine of up to \$10,000 as a
11 result of the violation or violations determined to have occurred
12 pursuant to this subsection.

13 (6) Notwithstanding any requirements of the "Administrative
14 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the
15 contrary, the board shall initiate a proceeding and shall adopt, after
16 notice, provision of the opportunity for comment, and public
17 hearing, such fair competition and accounting standards as are
18 necessary on an interim basis to implement retail electric choice.
19 Such standards shall be effective as regulations immediately upon
20 filing with the Office of Administrative Law and shall be effective
21 for a period not to exceed 18 months, and may, thereafter, be
22 amended, adopted or readopted by the board in accordance with the
23 provisions of the "Administrative Procedure Act."

24 g. The board shall determine, by rule or order, what reports are
25 necessary to monitor the competitiveness of any service offered to a
26 customer of an electric public utility.

27 h. The board shall have the authority to take appropriate
28 increasingly stringent action, including the issuance of an order that
29 an electric public utility or its related competitive business segment
30 cease the offering of a competitive service, functionally separate or
31 structurally separate its competitive service offering from non-
32 competitive business functions, or divest itself of such services, in
33 the event that the board determines, after hearing, that recurring and
34 significant violations of its rules or orders adopted pursuant to
35 subsection f. of this section have occurred.

36 i. Nothing in **【this act】** P.L.1999, c.23 (C.48:3-49 et al.) shall
37 exempt an electric public utility from obtaining all applicable local,
38 State and federal licenses or permits associated with the offering of
39 competitive services and complying with all applicable laws and
40 regulations regarding the provision of such services.

41 j. If the board finds, as a result of any audit conducted
42 pursuant to this section, that violations of the board's rules,
43 regulations or orders adopted pursuant to this section and section 7
44 of **【this act】** P.L.1999, c.23 (C.48:3-55) have occurred, which are
45 not substantial violations, the board is authorized to impose a fine
46 of up to \$10,000 against the electric public utility.

47 k. Prior to reclassifying as regulated any service it previously
48 found to be competitive, the board shall make recommendations to
49 the Legislature concerning the proposed reclassification. The

1 recommendations shall be deemed to be approved unless the
2 Legislature adopts a concurrent resolution stating that the
3 Legislature is not in agreement with all or any part of the
4 recommendations within 90 days following the date of transmittal
5 of the recommendations to the Legislature. The concurrent
6 resolution shall advise the board of the Legislature's specific
7 objections to the recommendations and shall direct the board to
8 submit revised recommendations which respond to those objections
9 within 45 days of the date of transmittal of the concurrent resolution
10 to the board.

11 1. The board shall promulgate regulations to require each
12 electric public utility, electric power supplier, marketer, government
13 aggregator, and broker to provide the board with adequate and
14 accurate price comparison information that will enable customers to
15 make informed choices regarding the purchase of electric energy
16 offered by that provider to customers. The board shall then compile
17 that information into a single, understandable database and post the
18 database on its website in a manner that enables customers to
19 compare prices and services on a uniform basis. The board may
20 contract with a public or private entity for the purpose of
21 developing, administering, and maintaining the database. The
22 contract shall specify the duties and responsibilities of the entity
23 with respect to the development, administration, and maintenance of
24 the database. The board shall monitor the work of the entity to
25 ensure that the database is developed, administered, and maintained
26 pursuant to the requirements of this section.

27 (cf: P.L.1999, c.23, s.8)

28

29 2. This act shall take effect immediately.

30

31

32

STATEMENT

33

34 This bill directs the Board of Public Utilities (“BPU”) to
35 promulgate regulations requiring each electric public utility, electric
36 power supplier, marketer, government aggregator, and broker to
37 provide adequate and accurate price information to the BPU. The
38 BPU shall then compile the information into a single,
39 understandable database and make available the database on its
40 website in a manner that enables customers to compare prices and
41 services. The BPU may contract with a public or private entity for
42 the purpose of developing, administering, and maintaining the
43 database. The bill will allow customers to go to a single source to
44 obtain comparative information to make informed choices regarding
45 the prices and services of those electricity providers in the State.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE, No. 2181

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 16, 2013

The Senate Economic Growth Committee reports favorably and with committee amendments Senate Bill, No. 2181.

As amended and reported, this bill authorizes the Board of Public Utilities (BPU) to promulgate regulations requiring each electric public utility, electric power supplier, marketer, government aggregator, and broker to provide adequate and accurate price information with respect to the provision of electricity to end use customers in New Jersey, so that customers may compare services. The BPU is further authorized to compile that information into a database to be posted on the BPU's Internet website in a manner that enables customers to compare prices and services on a uniform basis.

The committee amended the bill to authorize, rather than require, the BPU to promulgate regulations concerning the submission of price information and compilation of that information on the BPU's Internet website.

As amended and reported by the committee, Senate Bill No. 2181 is identical to Assembly Bill No. 2132 (1R) which was also reported by the committee on this date.