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P.L.2015, CHAPTER 164, *approved December 2, 2015*
Assembly, No. 3851 (*Third Reprint*)

1 AN ACT concerning third-party electric power and gas supplier
2 customer contracts, 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 36 of P.L.1999, c.23 (C.48:3-85) is amended to read
8 as follows:

9 36. a. Notwithstanding any provisions of the "Administrative
10 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the
11 contrary, the board, in consultation with the Division of Consumer
12 Affairs in the Department of Law and Public Safety, shall initiate a
13 proceeding and shall adopt, after notice, provision of the
14 opportunity for comment, and public hearing, interim consumer
15 protection standards for electric power suppliers or gas suppliers,
16 within 90 days of February 9, 1999, including, but not limited to,
17 standards for collections, credit, contracts, and authorized changes
18 of an energy ¹**consumer's** customer's¹ electric power supplier or
19 gas supplier, for the prohibition of discriminatory marketing, for
20 advertising and for disclosure. ¹**Such** The¹ standards shall be
21 effective as regulations immediately upon filing with the Office of
22 Administrative Law and shall be effective for a period not to exceed
23 18 months, and may, thereafter, be amended, adopted, or readopted
24 by the board in accordance with the provisions of the
25 "Administrative Procedure ¹**Act.**" Act," P.L.1968, c.410
26 (C.52:14B-1 et seq.).¹

27 (1) ²**(a)**² An electric power supplier or gas supplier shall not
28 provide electric generation service or gas supply service to a
29 customer in this State unless the electric power supplier or gas
30 supplier has provided the customer ¹**a contract in written form,**
31 including¹ a one-page information sheet summarizing the material
32 terms and conditions of the contract as determined by the board ¹**,**
33 for the customer to review for a period of time to be determined by
34 the board, prior to the execution or renewal of a contract for electric
35 generation service or gas supply service¹. Contract standards shall
36 include, but not be limited to, requirements that electric power
37 supply contracts or gas supply contracts **must** conspicuously
38 disclose the duration of the contract; state the price per kilowatt
39 hour or per therm or other pricing determinant approved by the
40 board; use a 12-point font; provide a one-page information sheet in

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 December 4, 2014.

²Assembly floor amendments adopted January 29, 2015.

³Assembly floor amendments adopted March 9, 2015.

1 a 12-point font summarizing the material terms and conditions of
2 the contract in English and Spanish, as determined by the board;
3 and state, in a 12-point, boldface font, whether the contract is for a
4 fixed rate or a variable rate, and provide a brief explanation of the
5 difference between a fixed rate and a variable rate that is easily
6 understandable by the general public, including an explanation on
7 how weather fluctuations may affect the price of variable rate
8 contracts; have the customer's [written] ¹written¹ signature [; the
9 customer's electronic signature; an audio recording of a telephone
10 call initiated by the customer; independent, third-party verification,
11 in accordance with section 37 of P.L.1999, c.23 (C.48:3-86), of a
12 telephone call initiated by an electric power supplier, gas supplier
13 or private aggregator; or such alternative forms of verification as
14 the board, in consultation with the Division of Consumer Affairs,
15 may permit] ¹[in written form only] or electronic signature; an
16 audio recording of a telephone call initiated by the customer;
17 independent, third-party verification, in accordance with section 37
18 of P.L.1999, c.23 (C.48:3-86), of a telephone call initiated by an
19 electric power supplier, gas supplier, or private aggregator; or any
20 alternative forms of verification as the board, in consultation with
21 the Division of Consumer Affairs in the Department of Law and
22 Public Safety, may permit¹ for switching electric power suppliers or
23 gas suppliers and for contract renewal; and include termination
24 procedures, notice of any fees, and toll-free or local telephone
25 numbers for the electric power supplier or gas supplier and for the
26 board. An electric power supplier or gas supplier shall not provide
27 the customer's telephone number, ¹[e-mail] electronic mail¹
28 address, or postal address to other electric power suppliers or gas
29 suppliers if the customer's telephone number appears on the no
30 telemarketing call list established and maintained by the Division of
31 Consumer Affairs, pursuant to the provisions of section 9 of
32 P.L.2003, c.76 (C.56:8-127), or the national do-not-call registry as
33 maintained by the Federal Trade Commission.

34 ²(b) As used in this paragraph, "customer" means a residential
35 customer ³[.] or³ a commercial electric customer ³[utilizing 400]
36 with a cumulative peak load of 50³ kilowatts or less ³[in the last 12
37 months]³, or a commercial gas customer ³[utilizing] with a
38 cumulative peak load of³ 5,000 therms or less ³[in the last 12
39 months]³.²

40 (2) Standards for the prohibition of discriminatory marketing
41 shall provide^{1,1} at a minimum ^{1,1} that a decision made by an
42 electric power supplier or a gas supplier to accept or reject a
43 customer shall not be based on race, color, national origin, age,
44 gender, religion, source of income, receipt of public benefits, family
45 status, sexual preference, or geographic location. The board shall
46 adopt reporting requirements to monitor compliance with ¹[such]
47 its¹ standards.

1 (3) Advertising standards for electric power suppliers or gas
2 suppliers shall provide, at a minimum, that optional charges to the
3 **1** **consumer** customer¹ will not be added to any advertised cost per
4 kilowatt hour or per therm, and that the only unit of measurement
5 that may be used in advertisements is cost per kilowatt hour or per
6 therm, unless otherwise approved by the board. If an electric power
7 supplier or gas supplier does not advertise using cost per kilowatt
8 hour or per therm, the electric power supplier or gas supplier shall
9 provide, at the **1** **consumer's** customer's¹ request, an estimate of
10 the cost per kilowatt hour or per therm. Any optional charges to the
11 **1** **consumer** customer¹ shall be identified separately and denoted
12 as optional.

13 (4) Credit standards shall include, at a minimum, that the credit
14 requirements used to make decisions must be the same for all
15 residential customers and that electric power suppliers, gas
16 suppliers, and private aggregators not impose unreasonable income
17 or credit requirements.

18 (5) Billing standards shall include, at a minimum, provisions
19 prohibiting electric public utilities, gas public utilities, electric
20 power suppliers, and gas suppliers from charging a fee to residential
21 customers for either the commencement or termination of electric
22 generation service or gas supply service.

23 b. (1) Except as provided in paragraph (2) of this subsection,
24 an electric power supplier, a gas supplier, an electric public utility,
25 and a gas public utility shall not disclose, sell, or transfer individual
26 proprietary information, including, but not limited to, a customer's
27 name, address, telephone number, energy usage, and electric power
28 payment history, to a third party without the consent of the
29 customer.

30 (2) (a) An electric public utility or a gas public utility may
31 disclose and provide, in an electronic format, which may include a
32 CD rom, diskette, and other format as determined by the board,
33 without the consent of a residential customer, a residential
34 customer's name, rate class, and account number, to a government
35 aggregator that is a municipality or a county, or to an energy agent
36 acting as a consultant to a government aggregator that is a
37 municipality or a county, if the customer information is to be used
38 to establish a government energy aggregation program pursuant to
39 sections 42, 43, and 45 of P.L.1999, c.23 (C.48:3-91; 48:3-92; and
40 48:3-94). The number of residential customers and their rate class,
41 and the load profile of non-residential customers who have
42 affirmatively chosen to be included in a government energy
43 aggregation program pursuant to paragraph (3) of subsection a. of
44 section 45 of P.L.1999, c.23 (C.48:3-94) may be disclosed pursuant
45 to this paragraph prior to the request by the government aggregator
46 for bids pursuant to paragraph (1) of subsection b. of section 45 of
47 P.L.1999, c.23 (C.48:3-94), and the name, address, and account
48 number of a residential customer and the name, address, and

1 account number of non-residential customers who have
2 affirmatively chosen to be included in a government energy
3 aggregation program pursuant to paragraph (3) of subsection a. of
4 section 45 of P.L.1999, c.23 (C.48:3-94) may be disclosed pursuant
5 to this paragraph upon the awarding of a contract to a licensed
6 power supplier or licensed gas supplier pursuant to paragraph (2) of
7 subsection b. of section 45 of P.L.1999, c.23 (C.48:3-94). Any
8 customer information disclosed pursuant to this paragraph shall not
9 be considered a government record for the purposes of, and shall be
10 exempt from the provisions of P.L.2001, c.404 ¹(C.47:1A-5 et al.)¹.

11 (b) An electric public utility or a gas public utility disclosing
12 customer information pursuant to this paragraph shall exercise
13 reasonable care in the preparation of this customer information, but
14 shall not be responsible for errors or omissions in the preparation or
15 the content of the customer information.

16 (c) Any person using any information disclosed pursuant to this
17 paragraph for any purpose other than to establish a government
18 energy aggregation program pursuant to sections 42, 43, and 45 of
19 P.L.1999, c.23 (C.48:3-91; 48:3-92; and 48:3-94) shall be subject to
20 the provisions of section 34 of P.L.1999, c.23 (C.48:3-83).

21 (d) The role of an electric public utility or a gas public utility in
22 a government energy aggregation program established pursuant to
23 P.L.1999, c.23 (C.48:3-49 et al.) shall be limited to the provisions
24 of this paragraph.

25 (3) Whenever any individual proprietary information is
26 disclosed, sold, or transferred, pursuant to paragraph (1) or
27 paragraph (2) of ¹**subsection b. of this section** this subsection¹, it
28 shall be used only for the provision of continued electric generation
29 service, electric related service, gas supply service, or gas related
30 service to that customer. In the case of a transfer or sale of a
31 business, customer consent shall not be required for the transfer of
32 customer proprietary information to the subsequent owner of the
33 business for maintaining the continuation of ¹**such** those¹
34 services.

35 (4) Notwithstanding any provisions of the "Administrative
36 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the
37 contrary, the board shall, within 90 days of the effective date of
38 P.L.2003, c.24 (C.48:3-93.1 et al.), review existing regulations
39 including, without limitation, Chapter 4 of Title 14 of the New
40 Jersey Administrative Code (Energy Competition Standards), to
41 determine their consistency with the provisions of section 36 of
42 P.L.1999, c.23 (C.48:3-85), section 43 of P.L.1999, c.23 (C.48:3-
43 92) and section 45 of P.L.1999, c.23 (C.48:3-94), repeal or modify
44 any regulations that are inconsistent with the provisions thereof, and
45 shall adopt regulations and standards implementing the provisions
46 thereof permitting disclosure of customer information without the
47 consent of the customer including, without limitation, provisions for
48 the development of a board-approved agreement between the

1 disclosing party and the receiving party and the creation of a
2 mechanism for the recovery by the disclosing electric public utility
3 or gas public utility of its reasonable incremental costs of providing
4 **'[such] the customer'** information if **'[such] those'** costs are not
5 covered in an existing third party supplier agreement.

6 (5) An electric power supplier, a gas supplier, a gas public
7 utility, or an electric public utility may use individual proprietary
8 information that it has obtained by virtue of its provision of electric
9 generation service, electric related service, gas supply service, or
10 gas related service to:

11 (a) Initiate, render, bill, and collect for **'[such] these'**
12 to the extent otherwise authorized to provide billing and collection
13 services;

14 (b) Protect the rights or property of the electric power supplier,
15 gas supplier, or public utility; and

16 (c) Protect consumers of **'[such] these'** services and other
17 electric power suppliers, gas suppliers, or electric and gas public
18 utilities from fraudulent, abusive, or unlawful use of, or
19 subscription to, **'[such] these'** services.

20 c. The board shall establish and maintain a database for the
21 purpose of recording customer complaints concerning electric and
22 gas public utilities, electric power suppliers, gas suppliers, private
23 aggregators, and energy agents.

24 d. The board, in consultation with the Division of Consumer
25 Affairs in the Department of Law and Public Safety, shall establish,
26 or cause to be established, a multi-lingual electric and gas consumer
27 education program. The goal of the consumer education program
28 shall be to educate residential, small business, and special needs
29 consumers about the implications for consumers of the restructuring
30 of the electric power and gas industries. The consumer education
31 program shall include, but need not be limited to, the dissemination
32 of information to enable consumers to make informed choices
33 among available electricity and gas services and suppliers, and the
34 communication to consumers of the consumer protection provisions
35 of P.L.1999, c.23 (C.48:3-49 et al.).

36 The board shall ensure the neutrality of the content and message
37 of advertisements and materials.

38 The board shall promulgate standards for the recovery of
39 consumer education program costs from customers which include
40 reasonable measures and criteria to judge the success of the
41 program in enhancing customer understanding of retail choice.

42 e. (Deleted by amendment, P.L.2003, c.24).

43 f. (1) In addition to the advertising standards adopted by the
44 board pursuant to paragraph (3) of subsection a. of this section, the
45 board, in consultation with the Division of Consumer Affairs in the
46 Department of Law and Public Safety, shall adopt, pursuant to the
47 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
48 seq.) interim advertising and marketing standards for electric power

1 suppliers, gas suppliers, brokers, energy agents, marketers, private
2 aggregators, sales representatives, and telemarketers applicable to
3 potential residential customers, within 270 days of the effective
4 date of P.L.2013, c.263, which standards shall include, but not
5 limited to, prohibiting electric power suppliers, gas suppliers,
6 brokers, energy agents, marketers, private aggregators, sales
7 representatives, and telemarketers from: (a) making false or
8 misleading advertising claims to a potential residential customer; or
9 (b) contacting a potential residential customer by telephone for the
10 purpose of making an unsolicited advertisement if the electric
11 power supplier, gas supplier, broker, energy agent, marketer,
12 private aggregator, sales representative, or telemarketer does not
13 have an existing business relationship with the potential residential
14 customer and the residential customer's telephone number appears
15 on the no telemarketing call list established and maintained by the
16 Division of Consumer Affairs, pursuant to the provisions of section
17 9 of P.L.2003, c.76 (C.56:8-127), or the national do-not-call
18 registry as maintained by the Federal Trade Commission. ¹**[Such]**
19 The¹ 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," P.L.1968, c.410
24 (C.52:14B-1 et seq.).

25 (2) In addition to any other penalties, fines, or remedies
26 authorized by law, an electric power supplier, gas supplier, broker,
27 energy agent, marketer, private aggregator, sales representative, or
28 telemarketer that violates subparagraph (a) of paragraph (1) of this
29 subsection and collects charges for electric generation service or
30 gas supply service supplied to a residential customer, who was
31 subjected to false or misleading advertising claims by the electric
32 power supplier, gas supplier, broker, energy agent, marketer,
33 private aggregator, sales representative, or telemarketer in violation
34 of subparagraph (a) of paragraph (1) of this subsection, shall be
35 liable to the residential customer in an amount equal to all charges
36 paid by the residential customer after such violation occurs in
37 accordance with any procedures as the board may prescribe,
38 whether the electric power supplier or gas supplier provided the
39 electric generation service or gas supply service to that customer, or
40 the electric generation service or gas supply service was provided to
41 the customer by a broker, energy agent, marketer, private
42 aggregator, sales representative, or telemarketer who contacted the
43 customer on behalf of the electric power supplier or gas supplier.
44 An electric power supplier, gas supplier, broker, energy agent,
45 marketer, private aggregator, sales representative, or telemarketer
46 that violates this subsection shall also be liable for a civil penalty
47 pursuant to section 34 of P.L.1999, c.23 (C.48:3-83). The board is
48 hereby authorized to revoke the license of any electric power

1 supplier, gas supplier, broker, energy agent, marketer, or private
2 aggregator that violates this subsection.

3 (cf: P.L.2013, c.263, s.2)

4

5 2. This act shall take effect on the 150th day after the date of
6 enactment and shall apply to contracts formed or renewed on or
7 after the effective date of this act.

8

9

10

11

12 Imposes contract standards between customers and third-party
13 electric power and gas suppliers.

ASSEMBLY, No. 3851

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED OCTOBER 23, 2014

Sponsored by:

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Assemblyman TIMOTHY J. EUSTACE

District 38 (Bergen and Passaic)

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex)

Co-Sponsored by:

Assemblyman Fiocchi and Assemblywoman Simon

SYNOPSIS

Imposes contract standards between customers and third-party electric power and gas suppliers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/5/2014)

1 AN ACT concerning third-party electric power and gas supplier
2 customer contracts, 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 36 of P.L.1999, c.23 (C.48:3-85) is amended to read
8 as follows:

9 36. a. Notwithstanding any provisions of the "Administrative
10 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the
11 contrary, the board, in consultation with the Division of Consumer
12 Affairs in the Department of Law and Public Safety, shall initiate a
13 proceeding and shall adopt, after notice, provision of the
14 opportunity for comment, and public hearing, interim consumer
15 protection standards for electric power suppliers or gas suppliers,
16 within 90 days of February 9, 1999, including, but not limited to,
17 standards for collections, credit, contracts, and authorized changes
18 of an energy consumer's electric power supplier or gas supplier, for
19 the prohibition of discriminatory marketing, for advertising and for
20 disclosure. Such standards shall be effective as regulations
21 immediately upon filing with the Office of Administrative Law and
22 shall be effective for a period not to exceed 18 months, and may,
23 thereafter, be amended, adopted, or readopted by the board in
24 accordance with the provisions of the "Administrative Procedure
25 Act."

26 (1) An electric power supplier or gas supplier shall not provide
27 electric generation service or gas supply service to a customer in
28 this State unless the electric power supplier or gas supplier has
29 provided the customer a contract in written form, including a one-
30 page information sheet summarizing the material terms and
31 conditions of the contract as determined by the board, for the
32 customer to review for a period of time to be determined by the
33 board, prior to the execution or renewal of a contract for electric
34 generation service or gas supply service. Contract standards shall
35 include, but not be limited to, requirements that electric power
36 supply contracts or gas supply contracts **[must]** conspicuously
37 disclose the duration of the contract; state the price per kilowatt
38 hour or per therm or other pricing determinant approved by the
39 board; use a 12-point font; provide a one-page information sheet in
40 a 12-point font summarizing the material terms and conditions of
41 the contract in English and Spanish, as determined by the board;
42 and state, in a 12-point, boldface font, whether the contract is for a
43 fixed rate or a variable rate, and provide a brief explanation of the
44 difference between a fixed rate and a variable rate that is easily
45 understandable by the general public, including an explanation on

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 how weather fluctuations may affect the price of variable rate
2 contracts; have the customer's [written] signature [; the customer's
3 electronic signature; an audio recording of a telephone call initiated
4 by the customer; independent, third-party verification, in
5 accordance with section 37 of P.L.1999, c.23 (C.48:3-86), of a
6 telephone call initiated by an electric power supplier, gas supplier
7 or private aggregator; or such alternative forms of verification as
8 the board, in consultation with the Division of Consumer Affairs,
9 may permit] in written form only for switching electric power
10 suppliers or gas suppliers and for contract renewal; and include
11 termination procedures, notice of any fees, and toll-free or local
12 telephone numbers for the electric power supplier or gas supplier
13 and for the board. An electric power supplier or gas supplier shall
14 not provide the customer's telephone number, e-mail address, or
15 postal address to other electric power suppliers or gas suppliers if
16 the customer's telephone number appears on the no telemarketing
17 call list established and maintained by the Division of Consumer
18 Affairs, pursuant to the provisions of section 9 of P.L.2003, c.76
19 (C.56:8-127), or the national do-not-call registry as maintained by
20 the Federal Trade Commission.

21 (2) Standards for the prohibition of discriminatory marketing
22 shall provide at a minimum that a decision made by an electric
23 power supplier or a gas supplier to accept or reject a customer shall
24 not be based on race, color, national origin, age, gender, religion,
25 source of income, receipt of public benefits, family status, sexual
26 preference, or geographic location. The board shall adopt reporting
27 requirements to monitor compliance with such standards.

28 (3) Advertising standards for electric power suppliers or gas
29 suppliers shall provide, at a minimum, that optional charges to the
30 consumer will not be added to any advertised cost per kilowatt hour
31 or per therm, and that the only unit of measurement that may be
32 used in advertisements is cost per kilowatt hour or per therm, unless
33 otherwise approved by the board. If an electric power supplier or
34 gas supplier does not advertise using cost per kilowatt hour or per
35 therm, the electric power supplier or gas supplier shall provide, at
36 the consumer's request, an estimate of the cost per kilowatt hour or
37 per therm. Any optional charges to the consumer shall be identified
38 separately and denoted as optional.

39 (4) Credit standards shall include, at a minimum, that the credit
40 requirements used to make decisions must be the same for all
41 residential customers and that electric power suppliers, gas
42 suppliers, and private aggregators not impose unreasonable income
43 or credit requirements.

44 (5) Billing standards shall include, at a minimum, provisions
45 prohibiting electric public utilities, gas public utilities, electric
46 power suppliers, and gas suppliers from charging a fee to residential
47 customers for either the commencement or termination of electric
48 generation service or gas supply service.

1 b. (1) Except as provided in paragraph (2) of this subsection,
2 an electric power supplier, a gas supplier, an electric public utility,
3 and a gas public utility shall not disclose, sell, or transfer individual
4 proprietary information, including, but not limited to, a customer's
5 name, address, telephone number, energy usage, and electric power
6 payment history, to a third party without the consent of the
7 customer.

8 (2) (a) An electric public utility or a gas public utility may
9 disclose and provide, in an electronic format, which may include a
10 CD rom, diskette, and other format as determined by the board,
11 without the consent of a residential customer, a residential
12 customer's name, rate class, and account number, to a government
13 aggregator that is a municipality or a county, or to an energy agent
14 acting as a consultant to a government aggregator that is a
15 municipality or a county, if the customer information is to be used
16 to establish a government energy aggregation program pursuant to
17 sections 42, 43, and 45 of P.L.1999, c.23 (C.48:3-91; 48:3-92; and
18 48:3-94). The number of residential customers and their rate class,
19 and the load profile of non-residential customers who have
20 affirmatively chosen to be included in a government energy
21 aggregation program pursuant to paragraph (3) of subsection a. of
22 section 45 of P.L.1999, c.23 (C.48:3-94) may be disclosed pursuant
23 to this paragraph prior to the request by the government aggregator
24 for bids pursuant to paragraph (1) of subsection b. of section 45 of
25 P.L.1999, c.23 (C.48:3-94), and the name, address, and account
26 number of a residential customer and the name, address, and
27 account number of non-residential customers who have
28 affirmatively chosen to be included in a government energy
29 aggregation program pursuant to paragraph (3) of subsection a. of
30 section 45 of P.L.1999, c.23 (C.48:3-94) may be disclosed pursuant
31 to this paragraph upon the awarding of a contract to a licensed
32 power supplier or licensed gas supplier pursuant to paragraph (2) of
33 subsection b. of section 45 of P.L.1999, c.23 (C.48:3-94). Any
34 customer information disclosed pursuant to this paragraph shall not
35 be considered a government record for the purposes of, and shall be
36 exempt from the provisions of P.L.2001, c.404.

37 (b) An electric public utility or a gas public utility disclosing
38 customer information pursuant to this paragraph shall exercise
39 reasonable care in the preparation of this customer information, but
40 shall not be responsible for errors or omissions in the preparation or
41 the content of the customer information.

42 (c) Any person using any information disclosed pursuant to this
43 paragraph for any purpose other than to establish a government
44 energy aggregation program pursuant to sections 42, 43, and 45 of
45 P.L.1999, c.23 (C.48:3-91; 48:3-92; and 48:3-94) shall be subject to
46 the provisions of section 34 of P.L.1999, c.23 (C.48:3-83).

47 (d) The role of an electric public utility or a gas public utility in
48 a government energy aggregation program established pursuant to

1 P.L.1999, c.23 (C.48:3-49 et al.) shall be limited to the provisions
2 of this paragraph.

3 (3) Whenever any individual proprietary information is
4 disclosed, sold, or transferred, pursuant to paragraph (1) or
5 paragraph (2) of subsection b. of this section, it shall be used only
6 for the provision of continued electric generation service, electric
7 related service, gas supply service, or gas related service to that
8 customer. In the case of a transfer or sale of a business, customer
9 consent shall not be required for the transfer of customer
10 proprietary information to the subsequent owner of the business for
11 maintaining the continuation of such services.

12 (4) Notwithstanding any provisions of the "Administrative
13 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the
14 contrary, the board shall, within 90 days of the effective date of
15 P.L.2003, c.24 (C.48:3-93.1 et al.), review existing regulations
16 including, without limitation, Chapter 4 of Title 14 of the New
17 Jersey Administrative Code (Energy Competition Standards), to
18 determine their consistency with the provisions of section 36 of
19 P.L.1999, c.23 (C.48:3-85), section 43 of P.L.1999, c.23 (C.48:3-
20 92) and section 45 of P.L.1999, c.23 (C.48:3-94), repeal or modify
21 any regulations that are inconsistent with the provisions thereof, and
22 shall adopt regulations and standards implementing the provisions
23 thereof permitting disclosure of customer information without the
24 consent of the customer including, without limitation, provisions for
25 the development of a board-approved agreement between the
26 disclosing party and the receiving party and the creation of a
27 mechanism for the recovery by the disclosing electric public utility
28 or gas public utility of its reasonable incremental costs of providing
29 such information if such costs are not covered in an existing third
30 party supplier agreement.

31 (5) An electric power supplier, a gas supplier, a gas public
32 utility, or an electric public utility may use individual proprietary
33 information that it has obtained by virtue of its provision of electric
34 generation service, electric related service, gas supply service, or
35 gas related service to:

36 (a) Initiate, render, bill, and collect for such services to the
37 extent otherwise authorized to provide billing and collection
38 services;

39 (b) Protect the rights or property of the electric power supplier,
40 gas supplier, or public utility; and

41 (c) Protect consumers of such services and other electric power
42 suppliers, gas suppliers, or electric and gas public utilities from
43 fraudulent, abusive, or unlawful use of, or subscription to, such
44 services.

45 c. The board shall establish and maintain a database for the
46 purpose of recording customer complaints concerning electric and
47 gas public utilities, electric power suppliers, gas suppliers, private
48 aggregators, and energy agents.

1 d. The board, in consultation with the Division of Consumer
2 Affairs in the Department of Law and Public Safety, shall establish,
3 or cause to be established, a multi-lingual electric and gas consumer
4 education program. The goal of the consumer education program
5 shall be to educate residential, small business, and special needs
6 consumers about the implications for consumers of the restructuring
7 of the electric power and gas industries. The consumer education
8 program shall include, but need not be limited to, the dissemination
9 of information to enable consumers to make informed choices
10 among available electricity and gas services and suppliers, and the
11 communication to consumers of the consumer protection provisions
12 of P.L.1999, c.23 (C.48:3-49 et al.).

13 The board shall ensure the neutrality of the content and message
14 of advertisements and materials.

15 The board shall promulgate standards for the recovery of
16 consumer education program costs from customers which include
17 reasonable measures and criteria to judge the success of the
18 program in enhancing customer understanding of retail choice.

19 e. (Deleted by amendment, P.L.2003, c.24).

20 f. (1) In addition to the advertising standards adopted by the
21 board pursuant to paragraph (3) of subsection a. of this section, the
22 board, in consultation with the Division of Consumer Affairs in the
23 Department of Law and Public Safety, shall adopt, pursuant to the
24 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
25 seq.) interim advertising and marketing standards for electric power
26 suppliers, gas suppliers, brokers, energy agents, marketers, private
27 aggregators, sales representatives, and telemarketers applicable to
28 potential residential customers, within 270 days of the effective
29 date of P.L.2013, c.263, which standards shall include, but not
30 limited to, prohibiting electric power suppliers, gas suppliers,
31 brokers, energy agents, marketers, private aggregators, sales
32 representatives, and telemarketers from: (a) making false or
33 misleading advertising claims to a potential residential customer; or
34 (b) contacting a potential residential customer by telephone for the
35 purpose of making an unsolicited advertisement if the electric
36 power supplier, gas supplier, broker, energy agent, marketer,
37 private aggregator, sales representative, or telemarketer does not
38 have an existing business relationship with the potential residential
39 customer and the residential customer's telephone number appears
40 on the no telemarketing call list established and maintained by the
41 Division of Consumer Affairs, pursuant to the provisions of section
42 9 of P.L.2003, c.76 (C.56:8-127), or the national do-not-call
43 registry as maintained by the Federal Trade Commission. Such
44 standards shall be effective as regulations immediately upon filing
45 with the Office of Administrative Law and shall be effective for a
46 period not to exceed 18 months, and may, thereafter, be amended,
47 adopted, or readopted by the board in accordance with the

1 provisions of the "Administrative Procedure Act," P.L.1968, c.410
2 (C.52:14B-1 et seq.).

3 (2) In addition to any other penalties, fines, or remedies
4 authorized by law, an electric power supplier, gas supplier, broker,
5 energy agent, marketer, private aggregator, sales representative, or
6 telemarketer that violates subparagraph (a) of paragraph (1) of this
7 subsection and collects charges for electric generation service or
8 gas supply service supplied to a residential customer, who was
9 subjected to false or misleading advertising claims by the electric
10 power supplier, gas supplier, broker, energy agent, marketer,
11 private aggregator, sales representative, or telemarketer in violation
12 of subparagraph (a) of paragraph (1) of this subsection, shall be
13 liable to the residential customer in an amount equal to all charges
14 paid by the residential customer after such violation occurs in
15 accordance with any procedures as the board may prescribe,
16 whether the electric power supplier or gas supplier provided the
17 electric generation service or gas supply service to that customer, or
18 the electric generation service or gas supply service was provided to
19 the customer by a broker, energy agent, marketer, private
20 aggregator, sales representative, or telemarketer who contacted the
21 customer on behalf of the electric power supplier or gas supplier.
22 An electric power supplier, gas supplier, broker, energy agent,
23 marketer, private aggregator, sales representative, or telemarketer
24 that violates this subsection shall also be liable for a civil penalty
25 pursuant to section 34 of P.L.1999, c.23 (C.48:3-83). The board is
26 hereby authorized to revoke the license of any electric power
27 supplier, gas supplier, broker, energy agent, marketer, or private
28 aggregator that violates this subsection.
29 (cf: P.L.2013, c.263, s.2)

30

31 2. This act shall take effect on the 150th day after the date of
32 enactment and shall apply to contracts formed or renewed on or
33 after the effective date of this act.

34

35

36

STATEMENT

37

38 This bill requires a written contract between a customer and a
39 third-party electric or gas supplier (supplier). The bill prohibits a
40 supplier from providing service to a customer unless the supplier
41 has provided the customer a contract in written form for the
42 customer to review, for a period of time to be determined by the
43 New Jersey Board of Public Utilities (board), prior to the execution
44 or renewal of a contract for service.

45 Under the bill, a written contract between a customer is to use a
46 12-point font; and is to state, in a 12-point, boldface font, whether
47 the contract is for a fixed rate or a variable rate and provide a brief
48 explanation of the difference between a fixed rate and a variable

A3851 DEANGELO, EUSTACE

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1 rate that is easily understandable by the general public. The bill
2 requires suppliers to provide customers a one-page information
3 sheet in a 12-point font summarizing the pertinent terms of the
4 contract in English and Spanish, as determined by the board. The
5 bill requires a customer's written signature for the customer to
6 switch suppliers or renew a contract. The bill applies to contracts
7 formed or renewed after the bill's effective date. Finally, the bill
8 prohibits suppliers from providing the customer's telephone
9 number, e-mail address, or postal address to other suppliers if the
10 customer's telephone number appears on the federal or State do-
11 not-call list.

ASSEMBLY TELECOMMUNICATIONS AND UTILITIES
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3851

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 4, 2014

The Assembly Telecommunications and Utilities Committee reports favorably and with committee amendments Assembly Bill No. 3851.

As amended and reported, this bill prohibits an electric power supplier or gas supplier (supplier) from providing electric generation service or gas supply service to a customer in this State unless the supplier has provided the customer a one-page information sheet summarizing the material terms and conditions of the contract as determined by the Board of Public Utilities (board).

The bill requires contracts between a customer and supplier to use a 12-point font; provide a one-page information sheet in a 12-point font summarizing the material terms and conditions of the contract in English and Spanish, as determined by the board; and state, in a 12-point, boldface font, whether the contract is for a fixed rate or a variable rate, and provide a brief explanation of the difference between a fixed rate and a variable rate that is easily understandable by the general public, including an explanation on how weather fluctuations may affect the price of variable rate contracts.

Finally, the bill prohibits suppliers from providing the customer's telephone number, e-mail address, or postal address to other suppliers if the customer's telephone number appears on the federal or State do-not-call list. The bill applies to contracts formed or renewed after the bill's effective date.

COMMITTEE AMENDMENTS

The committee amendments remove provisions of the bill prohibiting a supplier from providing service to a customer unless the supplier provided the customer a contract in written form for the customer to review prior to the execution or renewal of a contract for service. The amendments delete the bill's provisions that would change the manner in which a supplier verifies a customer's intent to switch suppliers or renew contracts for service. The amendments also make grammatical corrections.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 3851

with Assembly Floor Amendments
(Proposed by Assemblyman DEANGELO)

ADOPTED: JANUARY 29, 2015

These Assembly amendments provide that an electric power supplier or gas supplier are not to provide electric generation service or gas supply service to residential customers, commercial electric customers utilizing 400 kilowatts or less in the last 12 months, or commercial gas customers utilizing 5,000 therms or less in the last 12 months, unless the electric power supplier or gas supplier has provided the customer with a one-page information sheet summarizing the material terms and conditions of the contract and received a written or electronic signature, or other verification, for switching electric power suppliers or gas suppliers and for contract renewal.

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 3851

with Assembly Floor Amendments
(Proposed by Assemblyman DEANGELO)

ADOPTED: MARCH 9, 2015

These Assembly amendments redefine “customer” to mean a residential customer or a commercial electric customer with a cumulative peak load of 50 kilowatts or less, or a commercial gas customer with a cumulative peak load of 5,000 therms or less.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 2468**

STATE OF NEW JERSEY

DATED: SEPTEMBER 21, 2015

The Senate Environment and Energy Committee favorably reports a Senate Committee Substitute for Senate Bill No. 2468.

This committee substitute prohibits an electric power supplier or gas supplier (supplier) from providing electric generation service or gas supply service to a customer in this State unless the supplier has provided the customer a one-page information sheet summarizing the material terms and conditions of the contract as determined by the Board of Public Utilities (board).

The committee substitute requires contracts between a customer and supplier to: (1) use a 12-point font; (2) provide a one-page information sheet in a 12-point font summarizing the material terms and conditions of the contract in English and Spanish, as determined by the board; and (3) state, in a 12-point, boldface font, whether the contract is for a fixed rate or a variable rate, and provide a brief explanation of the difference between a fixed rate and a variable rate that is easily understandable by the general public, including an explanation on how weather fluctuations may affect the price of variable rate contracts.

Finally, the committee substitute prohibits suppliers from providing the customer's telephone number, e-mail address, or postal address to other suppliers if the customer's telephone number appears on the federal or State do-not-call list. The bill applies to contracts formed or renewed after the bill's effective date.

This committee substitute is identical to Assembly Bill No. 3851 (3R) which was also reported by the committee.

SENATE, No. 2468

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED OCTOBER 14, 2014

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

SYNOPSIS

Imposes contract standards between customers and third-party electric power and gas suppliers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/17/2015)

1 AN ACT concerning third-party electric power and gas supplier
2 customer contracts, 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 36 of P.L.1999, c.23 (C.48:3-85) is amended to read
8 as follows:

9 36. a. Notwithstanding any provisions of the "Administrative
10 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the
11 contrary, the board, in consultation with the Division of Consumer
12 Affairs in the Department of Law and Public Safety, shall initiate a
13 proceeding and shall adopt, after notice, provision of the
14 opportunity for comment, and public hearing, interim consumer
15 protection standards for electric power suppliers or gas suppliers,
16 within 90 days of February 9, 1999, including, but not limited to,
17 standards for collections, credit, contracts, and authorized changes
18 of an energy consumer's electric power supplier or gas supplier, for
19 the prohibition of discriminatory marketing, for advertising and for
20 disclosure. Such standards shall be effective as regulations
21 immediately upon filing with the Office of Administrative Law and
22 shall be effective for a period not to exceed 18 months, and may,
23 thereafter, be amended, adopted, or readopted by the board in
24 accordance with the provisions of the "Administrative Procedure
25 Act."

26 (1) An electric power supplier or gas supplier shall not provide
27 electric generation service or gas supply service to a customer in
28 this State unless the electric power supplier or gas supplier has
29 provided the customer a contract in written form, including a one-
30 page information sheet summarizing the material terms and
31 conditions of the contract as determined by the board, for the
32 customer to review for a period of time to be determined by the
33 board, prior to the execution or renewal of a contract for electric
34 generation service or gas supply service. Contract standards shall
35 include, but not be limited to, requirements that electric power
36 supply contracts or gas supply contracts **[must]** conspicuously
37 disclose the duration of the contract; state the price per kilowatt
38 hour or per therm or other pricing determinant approved by the
39 board; use a 12-point font; provide a one-page information sheet in
40 a 12-point font summarizing the material terms and conditions of
41 the contract in English and Spanish, as determined by the board;
42 and state, in a 12-point, boldface font, whether the contract is for a
43 fixed rate or a variable rate, and provide a brief explanation of the
44 difference between a fixed rate and a variable rate that is easily
45 understandable by the general public, including an explanation on

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 how weather fluctuations may affect the price of variable rate
2 contracts; have the customer's [written] signature [; the customer's
3 electronic signature; an audio recording of a telephone call initiated
4 by the customer; independent, third-party verification, in
5 accordance with section 37 of P.L.1999, c.23 (C.48:3-86), of a
6 telephone call initiated by an electric power supplier, gas supplier
7 or private aggregator; or such alternative forms of verification as
8 the board, in consultation with the Division of Consumer Affairs,
9 may permit] in written form only for switching electric power
10 suppliers or gas suppliers and for contract renewal; and include
11 termination procedures, notice of any fees, and toll-free or local
12 telephone numbers for the electric power supplier or gas supplier
13 and for the board. An electric power supplier or gas supplier shall
14 not provide the customer's telephone number, e-mail address, or
15 postal address to other electric power suppliers or gas suppliers if
16 the customer's telephone number appears on the no telemarketing
17 call list established and maintained by the Division of Consumer
18 Affairs, pursuant to the provisions of section 9 of P.L.2003, c.76
19 (C.56:8-127), or the national do-not-call registry as maintained by
20 the Federal Trade Commission.

21 (2) Standards for the prohibition of discriminatory marketing
22 shall provide at a minimum that a decision made by an electric
23 power supplier or a gas supplier to accept or reject a customer shall
24 not be based on race, color, national origin, age, gender, religion,
25 source of income, receipt of public benefits, family status, sexual
26 preference, or geographic location. The board shall adopt reporting
27 requirements to monitor compliance with such standards.

28 (3) Advertising standards for electric power suppliers or gas
29 suppliers shall provide, at a minimum, that optional charges to the
30 consumer will not be added to any advertised cost per kilowatt hour
31 or per therm, and that the only unit of measurement that may be
32 used in advertisements is cost per kilowatt hour or per therm, unless
33 otherwise approved by the board. If an electric power supplier or
34 gas supplier does not advertise using cost per kilowatt hour or per
35 therm, the electric power supplier or gas supplier shall provide, at
36 the consumer's request, an estimate of the cost per kilowatt hour or
37 per therm. Any optional charges to the consumer shall be identified
38 separately and denoted as optional.

39 (4) Credit standards shall include, at a minimum, that the credit
40 requirements used to make decisions must be the same for all
41 residential customers and that electric power suppliers, gas
42 suppliers, and private aggregators not impose unreasonable income
43 or credit requirements.

44 (5) Billing standards shall include, at a minimum, provisions
45 prohibiting electric public utilities, gas public utilities, electric
46 power suppliers, and gas suppliers from charging a fee to residential
47 customers for either the commencement or termination of electric
48 generation service or gas supply service.

1 b. (1) Except as provided in paragraph (2) of this subsection,
2 an electric power supplier, a gas supplier, an electric public utility,
3 and a gas public utility shall not disclose, sell, or transfer individual
4 proprietary information, including, but not limited to, a customer's
5 name, address, telephone number, energy usage, and electric power
6 payment history, to a third party without the consent of the
7 customer.

8 (2) (a) An electric public utility or a gas public utility may
9 disclose and provide, in an electronic format, which may include a
10 CD rom, diskette, and other format as determined by the board,
11 without the consent of a residential customer, a residential
12 customer's name, rate class, and account number, to a government
13 aggregator that is a municipality or a county, or to an energy agent
14 acting as a consultant to a government aggregator that is a
15 municipality or a county, if the customer information is to be used
16 to establish a government energy aggregation program pursuant to
17 sections 42, 43, and 45 of P.L.1999, c.23 (C.48:3-91; 48:3-92; and
18 48:3-94). The number of residential customers and their rate class,
19 and the load profile of non-residential customers who have
20 affirmatively chosen to be included in a government energy
21 aggregation program pursuant to paragraph (3) of subsection a. of
22 section 45 of P.L.1999, c.23 (C.48:3-94) may be disclosed pursuant
23 to this paragraph prior to the request by the government aggregator
24 for bids pursuant to paragraph (1) of subsection b. of section 45 of
25 P.L.1999, c.23 (C.48:3-94), and the name, address, and account
26 number of a residential customer and the name, address, and
27 account number of non-residential customers who have
28 affirmatively chosen to be included in a government energy
29 aggregation program pursuant to paragraph (3) of subsection a. of
30 section 45 of P.L.1999, c.23 (C.48:3-94) may be disclosed pursuant
31 to this paragraph upon the awarding of a contract to a licensed
32 power supplier or licensed gas supplier pursuant to paragraph (2) of
33 subsection b. of section 45 of P.L.1999, c.23 (C.48:3-94). Any
34 customer information disclosed pursuant to this paragraph shall not
35 be considered a government record for the purposes of, and shall be
36 exempt from the provisions of P.L.2001, c.404.

37 (b) An electric public utility or a gas public utility disclosing
38 customer information pursuant to this paragraph shall exercise
39 reasonable care in the preparation of this customer information, but
40 shall not be responsible for errors or omissions in the preparation or
41 the content of the customer information.

42 (c) Any person using any information disclosed pursuant to this
43 paragraph for any purpose other than to establish a government
44 energy aggregation program pursuant to sections 42, 43, and 45 of
45 P.L.1999, c.23 (C.48:3-91; 48:3-92; and 48:3-94) shall be subject to
46 the provisions of section 34 of P.L.1999, c.23 (C.48:3-83).

47 (d) The role of an electric public utility or a gas public utility in
48 a government energy aggregation program established pursuant to

1 P.L.1999, c.23 (C.48:3-49 et al.) shall be limited to the provisions
2 of this paragraph.

3 (3) Whenever any individual proprietary information is
4 disclosed, sold, or transferred, pursuant to paragraph (1) or
5 paragraph (2) of subsection b. of this section, it shall be used only
6 for the provision of continued electric generation service, electric
7 related service, gas supply service, or gas related service to that
8 customer. In the case of a transfer or sale of a business, customer
9 consent shall not be required for the transfer of customer
10 proprietary information to the subsequent owner of the business for
11 maintaining the continuation of such services.

12 (4) Notwithstanding any provisions of the "Administrative
13 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the
14 contrary, the board shall, within 90 days of the effective date of
15 P.L.2003, c.24 (C.48:3-93.1 et al.), review existing regulations
16 including, without limitation, Chapter 4 of Title 14 of the New
17 Jersey Administrative Code (Energy Competition Standards), to
18 determine their consistency with the provisions of section 36 of
19 P.L.1999, c.23 (C.48:3-85), section 43 of P.L.1999, c.23 (C.48:3-
20 92) and section 45 of P.L.1999, c.23 (C.48:3-94), repeal or modify
21 any regulations that are inconsistent with the provisions thereof, and
22 shall adopt regulations and standards implementing the provisions
23 thereof permitting disclosure of customer information without the
24 consent of the customer including, without limitation, provisions for
25 the development of a board-approved agreement between the
26 disclosing party and the receiving party and the creation of a
27 mechanism for the recovery by the disclosing electric public utility
28 or gas public utility of its reasonable incremental costs of providing
29 such information if such costs are not covered in an existing third
30 party supplier agreement.

31 (5) An electric power supplier, a gas supplier, a gas public
32 utility, or an electric public utility may use individual proprietary
33 information that it has obtained by virtue of its provision of electric
34 generation service, electric related service, gas supply service, or
35 gas related service to:

36 (a) Initiate, render, bill, and collect for such services to the
37 extent otherwise authorized to provide billing and collection
38 services;

39 (b) Protect the rights or property of the electric power supplier,
40 gas supplier, or public utility; and

41 (c) Protect consumers of such services and other electric power
42 suppliers, gas suppliers, or electric and gas public utilities from
43 fraudulent, abusive, or unlawful use of, or subscription to, such
44 services.

45 c. The board shall establish and maintain a database for the
46 purpose of recording customer complaints concerning electric and
47 gas public utilities, electric power suppliers, gas suppliers, private
48 aggregators, and energy agents.

1 d. The board, in consultation with the Division of Consumer
2 Affairs in the Department of Law and Public Safety, shall establish,
3 or cause to be established, a multi-lingual electric and gas consumer
4 education program. The goal of the consumer education program
5 shall be to educate residential, small business, and special needs
6 consumers about the implications for consumers of the restructuring
7 of the electric power and gas industries. The consumer education
8 program shall include, but need not be limited to, the dissemination
9 of information to enable consumers to make informed choices
10 among available electricity and gas services and suppliers, and the
11 communication to consumers of the consumer protection provisions
12 of P.L.1999, c.23 (C.48:3-49 et al.).

13 The board shall ensure the neutrality of the content and message
14 of advertisements and materials.

15 The board shall promulgate standards for the recovery of
16 consumer education program costs from customers which include
17 reasonable measures and criteria to judge the success of the
18 program in enhancing customer understanding of retail choice.

19 e. (Deleted by amendment, P.L.2003, c.24).

20 f. (1) In addition to the advertising standards adopted by the
21 board pursuant to paragraph (3) of subsection a. of this section, the
22 board, in consultation with the Division of Consumer Affairs in the
23 Department of Law and Public Safety, shall adopt, pursuant to the
24 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
25 seq.) interim advertising and marketing standards for electric power
26 suppliers, gas suppliers, brokers, energy agents, marketers, private
27 aggregators, sales representatives, and telemarketers applicable to
28 potential residential customers, within 270 days of the effective
29 date of P.L.2013, c.263, which standards shall include, but not
30 limited to, prohibiting electric power suppliers, gas suppliers,
31 brokers, energy agents, marketers, private aggregators, sales
32 representatives, and telemarketers from: (a) making false or
33 misleading advertising claims to a potential residential customer; or
34 (b) contacting a potential residential customer by telephone for the
35 purpose of making an unsolicited advertisement if the electric
36 power supplier, gas supplier, broker, energy agent, marketer,
37 private aggregator, sales representative, or telemarketer does not
38 have an existing business relationship with the potential residential
39 customer and the residential customer's telephone number appears
40 on the no telemarketing call list established and maintained by the
41 Division of Consumer Affairs, pursuant to the provisions of section
42 9 of P.L.2003, c.76 (C.56:8-127), or the national do-not-call
43 registry as maintained by the Federal Trade Commission. Such
44 standards shall be effective as regulations immediately upon filing
45 with the Office of Administrative Law and shall be effective for a
46 period not to exceed 18 months, and may, thereafter, be amended,
47 adopted, or readopted by the board in accordance with the

1 provisions of the "Administrative Procedure Act," P.L.1968, c.410
2 (C.52:14B-1 et seq.).

3 (2) In addition to any other penalties, fines, or remedies
4 authorized by law, an electric power supplier, gas supplier, broker,
5 energy agent, marketer, private aggregator, sales representative, or
6 telemarketer that violates subparagraph (a) of paragraph (1) of this
7 subsection and collects charges for electric generation service or
8 gas supply service supplied to a residential customer, who was
9 subjected to false or misleading advertising claims by the electric
10 power supplier, gas supplier, broker, energy agent, marketer,
11 private aggregator, sales representative, or telemarketer in violation
12 of subparagraph (a) of paragraph (1) of this subsection, shall be
13 liable to the residential customer in an amount equal to all charges
14 paid by the residential customer after such violation occurs in
15 accordance with any procedures as the board may prescribe,
16 whether the electric power supplier or gas supplier provided the
17 electric generation service or gas supply service to that customer, or
18 the electric generation service or gas supply service was provided to
19 the customer by a broker, energy agent, marketer, private
20 aggregator, sales representative, or telemarketer who contacted the
21 customer on behalf of the electric power supplier or gas supplier.
22 An electric power supplier, gas supplier, broker, energy agent,
23 marketer, private aggregator, sales representative, or telemarketer
24 that violates this subsection shall also be liable for a civil penalty
25 pursuant to section 34 of P.L.1999, c.23 (C.48:3-83). The board is
26 hereby authorized to revoke the license of any electric power
27 supplier, gas supplier, broker, energy agent, marketer, or private
28 aggregator that violates this subsection.
29 (cf: P.L.2013, c.263, s.2)

30

31 2. This act shall take effect on the 150th day after the date of
32 enactment and shall apply to contracts formed or renewed on or
33 after the effective date of this act.

34

35

36

STATEMENT

37

38 This bill requires a written contract between a customer and a
39 third-party electric or gas supplier (supplier). The bill prohibits a
40 supplier from providing service to a customer unless the supplier
41 has provided the customer a contract in written form for the
42 customer to review, for a period of time to be determined by the
43 New Jersey Board of Public Utilities (board), prior to the execution
44 or renewal of a contract for service.

45 Under the bill, a written contract between a customer is to use a
46 12-point font; and is to state, in a 12-point, boldface font, whether
47 the contract is for a fixed rate or a variable rate and provide a brief
48 explanation of the difference between a fixed rate and a variable

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1 rate that is easily understandable by the general public. The bill
2 requires suppliers to provide customers a one-page information
3 sheet in a 12-point font summarizing the pertinent terms of the
4 contract in English and Spanish, as determined by the board. The
5 bill requires a customer's written signature for the customer to
6 switch suppliers or renew a contract. The bill applies to contracts
7 formed or renewed after the bill's effective date. Finally, the bill
8 prohibits suppliers from providing the customer's telephone
9 number, e-mail address, or postal address to other suppliers if the
10 customer's telephone number appears on the federal or State do-
11 not-call list.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 2468**

STATE OF NEW JERSEY

DATED: SEPTEMBER 21, 2015

The Senate Environment and Energy Committee favorably reports a Senate Committee Substitute for Senate Bill No. 2468.

This committee substitute prohibits an electric power supplier or gas supplier (supplier) from providing electric generation service or gas supply service to a customer in this State unless the supplier has provided the customer a one-page information sheet summarizing the material terms and conditions of the contract as determined by the Board of Public Utilities (board).

The committee substitute requires contracts between a customer and supplier to: (1) use a 12-point font; (2) provide a one-page information sheet in a 12-point font summarizing the material terms and conditions of the contract in English and Spanish, as determined by the board; and (3) state, in a 12-point, boldface font, whether the contract is for a fixed rate or a variable rate, and provide a brief explanation of the difference between a fixed rate and a variable rate that is easily understandable by the general public, including an explanation on how weather fluctuations may affect the price of variable rate contracts.

Finally, the committee substitute prohibits suppliers from providing the customer's telephone number, e-mail address, or postal address to other suppliers if the customer's telephone number appears on the federal or State do-not-call list. The bill applies to contracts formed or renewed after the bill's effective date.

This committee substitute is identical to Assembly Bill No. 3851 (3R) which was also reported by the committee.

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Governor Christie Takes Action On Pending Legislation

Wednesday, December 2, 2015 Tags: [Bill Action](#)



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BILL SIGNINGS:

S-1336/A-996 (Van Drew, Scutari/Andrzejczak) - Requires issuance of construction permits for installation of wheelchair ramps on residential real property within 5 business days of application

S-1341/A-2961 (Van Drew, Madden/Andrzejczak, Gusciora, Spencer) - Establishes penalty for failure to include bittering agent in antifreeze

S-1946/A-3441 (Sacco, Pennacchio/Jimenez, Prieto, Sumter, Pintor Marin) - Permits school district to request and receive from MVC name and address of student's parent or guardian to verify student's eligibility for enrollment in school district

A-2327/S-2965 (DeAngelo, Quijano, Wilson, Pinkin/Beach, Doherty) - Requires Secretary of State create e-mail notification system alerting when US and State flags flown at half-staff

ACS for A-3502/S-2281 (Russo, Rumana/O'Toole) - Exempts guide dogs and service dogs temporarily placed in foster homes from dog licensing and registration tag requirements

A-3851/ SCS for S-2468 (DeAngelo, Eustace, Mazzeo, Pintor Marin, Benson/Turner, Singer) - Imposes contract standards between customers and third-party electric power and gas suppliers

A-4156/S-2812 (Vainieri Huttie, Lampitt, Lagana, Mukherji, Quijano, Danielsen, Wimberly/Barnes, Cunningham) - Establishes task force to study issues related to sexual assault on college campuses

A-4307/S-2919 (McKeon, Quijano, Schaer/Greenstein, Bateman) - Increases required public notice from 30 days to 60 days for settlements entered into by DEP pursuant to Spill Compensation and Control Act

A-4413/S-2896 (Eustace, Benson, Webber, Singleton/Scutari, Turner) - Prohibits awarding of economic development subsidy to business if business is in default on previously awarded subsidy that was loan or loan guarantee

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