

48:2-92

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 2005 **CHAPTER:** 215

NJSA: 48:2-92 (Provides for appointment of a BPU Business Ombudsman to assist businesses with energy issues)

BILL NO: A3471 (Substituted for S2247)

SPONSOR(S): Cryan and others

DATE INTRODUCED: November 4, 2004

COMMITTEE: **ASSEMBLY:** Telecommunications and Utilities; Commerce and Economic Development; Budget
SENATE:

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 27, 2005

SENATE: June 30, 2005

DATE OF APPROVAL: August 29, 2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (2nd reprint enacted)

A3471

[SPONSOR'S STATEMENT:](#) (Begins on page 4 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** Yes [11-8-2004 \(T & U\)](#)
[2-7-2005 \(C & E\)](#)
[6-22-2005 \(Bud\)](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL ESTIMATE:](#) [Yes](#)

S2247

[SPONSOR'S STATEMENT:](#) (Begins on page 4 of original bill) [Yes](#)

COMMITTEE STATEMENT **ASSEMBLY:** No

SENATE: Yes [6-16-2005 \(Eco Growth\)](#)
[6-27-2005 \(Bud & App\)](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes [5-26-2005](#)
[7-14-2005](#)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING:

No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or

<mailto:refdesk@njstatelib.org>

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

IS 10/18/07

Title 48.
Chapter 2.
Article 10.
Business
Ombudsman (New)
§§1-7 - C.48:2-92 to
48:2-98
§8 - Note to §§1-7

P.L. 2005, CHAPTER 215, *approved August 29, 2005*
Assembly, No. 3471 (*Second Reprint*)

1 AN ACT providing for the appointment of a ¹[State] BPU¹ Business
2 Ombudsman in the Board of Public Utilities and supplementing
3 Title 48 of the Revised Statutes.

4

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

7

8 1. This act shall be known and may be cited as the "¹[New Jersey
9 State] BPU¹ Business Ombudsman Act."

10

11 2. The Legislature finds and determines that:

12 a. The attraction and retention of new and existing businesses is
13 vital to the continued economic development of the State.

14 b. The increasing complexity of energy issues ¹[has created] and
15 the creation of a competitive energy marketplace, has resulted in¹
16 obstacles to the attraction and retention of new and existing businesses
17 in this State, especially since other states have developed marketing
18 and promotional materials and programs designed to ¹[lure away New
19 Jersey businesses by offering them] offer businesses¹ the means to
20 quickly determine ¹[the costs of] energy savings from¹ relocating to
21 another area of the country.

22 c. An effective strategy to counter such efforts, ¹[and to]¹ attract
23 new businesses and ¹[to]¹ retain existing businesses in this State, is to
24 provide for the appointment of a ¹[State] BPU¹ Business Ombudsman
25 within the Board of Public Utilities who shall be responsible for
26 providing information to businesses concerning energy costs in the
27 State and to assist businesses with the application for and processing
28 of State energy programs, subsidies and grants to reduce their energy
29 costs.

30 d. It is in the public interest to remain competitive with other states
31 by authorizing the ¹President of the¹ Board of Public Utilities to
32 appoint a ¹[State] BPU¹ Business Ombudsman to act as a centralized

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ATU committee amendments adopted November 8, 2004.

² Assembly ACE committee amendments adopted February 7, 2005.

1 resource for businesses to obtain information and assistance
2 concerning State energy costs ¹[and], potential benefits resulting from
3 switching to or utilizing third-party energy suppliers, State¹ energy
4 programs, subsidies and grants to reduce ¹energy¹ costs ¹and to
5 promote energy efficiencies¹.

6 e. The appointment of a ¹[State] BPU¹ Business Ombudsman to
7 oversee and coordinate the dissemination of energy information
8 needed by businesses is intended to ¹[provide an incentive to]¹
9 encourage businesses to remain and expand in this State, to attract
10 businesses from other states to relocate to this State and to stimulate
11 business investment.

12

13 3. As used in this act:

14 "Act" means the ¹[New Jersey State] BPU¹ Business Ombudsman
15 Act."

16 "Board" means the Board of Public Utilities.

17 "Business project or activity" means a new ¹[retail,]¹ commercial
18 or industrial business or enterprise or the expansion or improvement
19 of an existing ¹[retail,]¹ commercial or industrial business or
20 enterprise in this State.

21 ¹["Office" means the Office of the State Business Ombudsman
22 established by section 4 of this act.]¹

23 ¹[State] BPU¹ Business Ombudsman" means the person appointed
24 by the ¹[Governor] President of the Board¹ pursuant to section 4 of
25 this act.

26

27 4. a. There is hereby created ¹[an Office of the State] a BPU¹
28 Business Ombudsman in the board to provide information and
29 assistance to any business, located in this State or seeking to relocate
30 in this State, with regard to energy costs ¹[and], potential benefits
31 from switching to or utilizing third-party energy suppliers, State¹
32 energy programs, subsidies or grants available to businesses to reduce
33 their ¹energy¹ costs ¹and promotion of energy efficiencies¹.

34 b. The ¹ombudsman¹ office shall be headed by a ¹[State] BPU¹
35 Business Ombudsman who shall be appointed ¹[from among the
36 employees] by the President¹ of the ²[board] Board² ¹[by the
37 Governor] and shall serve at the pleasure of the President of the
38 Board¹. The ¹[State] BPU¹ Business Ombudsman shall be a person
39 qualified by training, experience, or both, to direct the work of the
40 office. ¹In appointing an Ombudsman, the President of the Board may
41 select from, but shall not be restricted to, candidates from within the
42 board as presently constructed.¹

43 c. ¹[The State Business Ombudsman may employ such professional,
44 technical, research and clerical staff as may be necessary to implement
45 the provisions of this act, within the limits of available funds received

1 from the board or from any other source.] The Ombudsman, under
2 the supervision of the board, shall organize the work of that office and
3 employ such professional, technical, research and clerical staff as may
4 be necessary, proper and expedient to carry out the purposes of
5 P.L. , c. (C.) (now before the Legislature as this bill). The board,
6 in consultation with the Ombudsman, may formulate and adopt rules
7 and regulations and prescribe duties for the efficient conduct of the
8 business, work and general administration in connection with P.L. ,
9 c. (C.) (now before the Legislature as this bill). The Ombudsman
10 may delegate to subordinate employees such of the Ombudsman's
11 powers as the Ombudsman may deem desirable, to be exercised under
12 the Ombudsman's supervision and direction.

13 d. The BPU Business Ombudsman and staff shall be funded
14 through use of a portion of the monies received by the board as a
15 result of the board's inclusion of a retail margin on ²[all] certain
16 hourly-priced and larger² non-residential customers pursuant to the
17 board's continuing regulation of Basic Generation Service pursuant to
18 sections 3 and 9 of P.L.1999, c.23 (C.48:3-51 and 48:3-57). Nothing
19 in P.L. , c. (C.) (now before the Legislature as this bill) should
20 be interpreted to restrict the board's discretion to set the level of the
21 retail margin. Should the board determine to reduce or eliminate the
22 retail margin or take any action that might implicate the funding of the
23 activities or position, or both, of the BPU Business Ombudsman, the
24 board shall assess the continuing need for the Ombudsman and upon
25 a determination that the position remains necessary and useful shall
26 consider alternative funding options.¹

27

28 5. It shall be the function of the office to:

29 a. Assist businesses with obtaining information concerning energy
30 costs in response to requests from businesses¹ [, by designating a
31 representative of the office who shall be responsible for assisting each
32 business on an individual basis until the request for information has
33 been fulfilled]¹;

34 b. Monitor the impact of State energy costs on business projects
35 and activities and on business decisions to relocate to this State, and
36 identify and recommend energy cost reduction strategies including
37 State programs, subsidies and grants that may be available for
38 businesses to reduce their energy costs;

39 c. Participate in the application process for State energy programs,
40 subsidies and grants on behalf of a business, if in the ¹[State] BPU¹
41 Business Ombudsman's judgment, such participation may be necessary
42 to assist a business in order for a project or activity to proceed;
43 ¹[and]¹

44 d. ¹[Develop and maintain a] Work with board staff to assist in
45 creating¹ public information ¹[program] programs¹ designed to
46 acquaint and educate businesses and the public about the duties and

1 responsibilities of the office¹ [.] and

2 e. Interface with energy marketers seeking to provide service in this
3 State and, where appropriate, work to bring them together with
4 businesses concerned about energy costs.¹

5

6 6. ¹[The State Business Ombudsman shall annually transmit to the
7 Governor and the Legislature, and shall make available to the public,
8 an annual report on the conduct of the office. The State Business
9 Ombudsman shall make recommendations as may, from time to time,
10 be necessary or desirable to improve the functioning of the office.]
11 The Ombudsman shall make an annual report to the board of the
12 office's operations, and render such other reports as the board shall
13 from time to time request or as may be required by law.¹

14

15 7. The board ¹[shall] may¹, pursuant to the "Administrative
16 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt such
17 rules and regulations, as shall be necessary to implement the provisions
18 of this act.

19

20 8. This act shall take effect 90 days after enactment but the board
21 may take administrative actions in advance to effectuate the purposes
22 of this act.

23

24

25

26

27 Provides for appointment of a BPU Business Ombudsman to assist
28 businesses with energy issues.

ASSEMBLY, No. 3471

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED NOVEMBER 4, 2004

Sponsored by:

Assemblyman JOSEPH CRYAN

District 20 (Union)

Assemblyman WILFREDO CARABALLO

District 29 (Essex and Union)

Co-Sponsored by:

Assemblywoman Stender, Assemblymen Eagler and Gregg

SYNOPSIS

Provides for appointment of a State Business Ombudsman to assist businesses with energy issues.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT providing for the appointment of a State Business
2 Ombudsman in the Board of Public Utilities and supplementing
3 Title 48 of the Revised Statutes.

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

7
8 1. This act shall be known and may be cited as the "New Jersey
9 State Business Ombudsman Act."

10
11 2. The Legislature finds and determines that:

12 a. The attraction and retention of new and existing businesses is
13 vital to the continued economic development of the State.

14 b. The increasing complexity of energy issues has created obstacles
15 to the attraction and retention of new and existing businesses in this
16 State, especially since other states have developed marketing and
17 promotional materials and programs designed to lure away New Jersey
18 businesses by offering them the means to quickly determine the costs
19 of relocating to another area of the country.

20 c. An effective strategy to counter such efforts, and to attract new
21 businesses and to retain existing businesses in this State, is to provide
22 for the appointment of a State Business Ombudsman within the Board
23 of Public Utilities who shall be responsible for providing information
24 to businesses concerning energy costs in the State and to assist
25 businesses with the application for and processing of State energy
26 programs, subsidies and grants to reduce their energy costs.

27 d. It is in the public interest to remain competitive with other states
28 by authorizing the Board of Public Utilities to appoint a State Business
29 Ombudsman to act as a centralized resource for businesses to obtain
30 information and assistance concerning State energy costs and energy
31 programs, subsidies and grants to reduce costs.

32 e. The appointment of a State Business Ombudsman to oversee and
33 coordinate the dissemination of energy information needed by
34 businesses is intended to provide an incentive to encourage businesses
35 to remain and expand in this State, to attract businesses from other
36 states to relocate to this State and to stimulate business investment.

37
38 3. As used in this act:

39 "Act" means the "New Jersey State Business Ombudsman Act."

40 "Board" means the Board of Public Utilities.

41 "Business project or activity" means a new retail, commercial or
42 industrial business or enterprise or the expansion or improvement of
43 an existing retail, commercial or industrial business or enterprise in this
44 State.

45 "Office" means the Office of the State Business Ombudsman
46 established by section 4 of this act.

1 "State Business Ombudsman" means the person appointed by the
2 Governor pursuant to section 4 of this act.

3
4 4. a. There is hereby created an Office of the State Business
5 Ombudsman in the board to provide information and assistance to any
6 business, located in this State or seeking to relocate in this State, with
7 regard to energy costs and energy programs, subsidies or grants
8 available to businesses to reduce their energy costs.

9 b. The office shall be headed by a State Business Ombudsman who
10 shall be appointed from among the employees of the board by the
11 Governor. The State Business Ombudsman shall be a person qualified
12 by training, experience, or both, to direct the work of the office.

13 c. The State Business Ombudsman may employ such professional,
14 technical, research and clerical staff as may be necessary to implement
15 the provisions of this act, within the limits of available funds received
16 from the board or from any other source.

17
18 5. It shall be the function of the office to:

19 a. Assist businesses with obtaining information concerning energy
20 costs in response to requests from businesses, by designating a
21 representative of the office who shall be responsible for assisting each
22 business on an individual basis until the request for information has
23 been fulfilled;

24 b. Monitor the impact of State energy costs on business projects
25 and activities and on business decisions to relocate to this State, and
26 identify and recommend energy cost reduction strategies including
27 State programs, subsidies and grants that may be available for
28 businesses to reduce their energy costs;

29 c. Participate in the application process for State energy programs,
30 subsidies and grants on behalf of a business, if in the State Business
31 Ombudsman's judgment, such participation may be necessary to assist
32 a business in order for a project or activity to proceed; and

33 d. Develop and maintain a public information program designed to
34 acquaint and educate businesses and the public about the duties and
35 responsibilities of the office.

36
37 6. The State Business Ombudsman shall annually transmit to the
38 Governor and the Legislature, and shall make available to the public,
39 an annual report on the conduct of the office. The State Business
40 Ombudsman shall make recommendations as may, from time to time,
41 be necessary or desirable to improve the functioning of the office.

42
43 7. The board shall, pursuant to the "Administrative Procedure
44 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt such rules and
45 regulations, as shall be necessary to implement the provisions of this
46 act.

1 8. This act shall take effect 90 days after enactment but the board
2 may take administrative actions in advance to effectuate the purposes
3 of this act.

4
5
6 STATEMENT
7

8 This bill establishes the Office of State Business Ombudsman (the
9 "office") in the Board of Public Utilities (the "board") and provides for
10 the Governor to appoint the State Business Ombudsman from among
11 the employees of the board to head the office. The purpose of the
12 office shall be to act as a centralized information resource for
13 businesses seeking help with increasingly complex matters concerning
14 energy costs and energy programs, subsidies or grants to reduce their
15 energy costs.

16 The bill requires the office to assign a single contact person to work
17 with each business requesting assistance, and to intervene in the
18 application process, when deemed necessary in order for a project or
19 activity to proceed.

20 The bill directs the office to develop and maintain a public
21 information program designed to acquaint and educate businesses and
22 the public about the duties and responsibilities of the office

23 The bill also directs the office to submit an annual report to the
24 Governor and the Legislature describing the activities of the office,
25 including any recommendations to improve the functioning of the
26 office.

ASSEMBLY TELECOMMUNICATIONS AND UTILITIES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3471

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 8, 2004

The Assembly Telecommunications and Utilities Committee reports favorably Assembly Bill No. 3471 with committee amendments.

As amended, this bill establishes the BPU Business Ombudsman (the "ombudsman") in the Board of Public Utilities (the "board") and provides for the President of the board to appoint the ombudsman from within or from outside the board to direct the work of the ombudsman office. The purpose of the ombudsman shall be to act as a centralized information resource for businesses seeking help with increasingly complex matters concerning energy costs and energy programs, subsidies or grants to reduce their energy costs.

COMMITTEE AMENDMENTS

The committee adopted amendments to establish a BPU Business Ombudsman in place of a State Business Ombudsman and to provide for the President of the board to appoint the ombudsman who shall serve at the pleasure of the President.

The amendments further provide for the ombudsman, under the supervision of the board, to direct the work of the office subject to any rules and regulations adopted by the board concerning the general duties and conduct of the ombudsman's office.

The amendments also provide for the funding of the ombudsman office to come from a portion of the monies received by the board under the board's continuing regulation of Basic Generation Service pursuant to section 9 of P.L.1999, c.23 (C.48:3-57) and allows for the board to assess the continuing need for the ombudsman and to consider alternative funding options.

The amendments direct the ombudsman to report annually to the board on the operations of the ombudsman office and to provide other reports to the board as required.

The amendments also make a number of technical changes in the bill to clarify the role of the ombudsman's office.

ASSEMBLY COMMERCE AND ECONOMIC DEVELOPMENT
COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3471

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 7, 2005

The Assembly Commerce and Economic Development Committee reports favorably and with committee amendments Assembly Bill No. 3471 (1R).

Assembly Bill No. 3471 (1R), as amended by the committee, establishes the BPU Business Ombudsman (the "ombudsman") in the Board of Public Utilities (the "board") and provides for the President of the Board to appoint the ombudsman from within or from outside the board to direct the work of the ombudsman office. The purpose of the ombudsman shall be to act as a centralized information resource for businesses seeking help with increasingly complex matters concerning energy costs and energy programs, subsidies or grants to reduce their energy costs.

The bill further provides for the ombudsman, under the supervision of the board, to direct the work of the office subject to any rules and regulations adopted by the board concerning the general duties and conduct of the ombudsman office.

The bill also provides for the funding of the ombudsman office to come from a portion of the monies received by the board under the board's continuing regulation of Basic Generation Service pursuant to section 9 of P.L.1999, c.23 (C.48:3-57) and allows for the board to assess the continuing need for the ombudsman and to consider alternative funding options.

The bill directs the ombudsman to report annually to the board on the operations of the ombudsman office and to provide other reports to the board as required.

As referred to the committee, the bill provided for the funding of the ombudsman using a portion of the monies received by the board as a result of the board's inclusion of a retail margin on *all* non-residential customers. In fact, through the issuance of board orders, the BPU establishes a kilowat hour threshold each year beyond which certain larger commercial and industrial customers are assessed a retail margin.

By dropping the reference to *all* non-residential customers, the committee amendment is meant to clarify that the ombudsman position is to be funded using monies received by the board through the assessment of the retail margin and defers to the board's discretion under existing law to establish the annual threshold which determines who is subject to that assessment.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 3471

STATE OF NEW JERSEY

DATED: JUNE 22, 2005

The Assembly Budget Committee reports favorably Assembly Bill No. 3471 (2R).

Assembly Bill No. 3471 (2R) establishes the BPU Business Ombudsman (the "ombudsman") in the Board of Public Utilities (the "board") and provides for the President of the Board to appoint the ombudsman from within or from outside the board to direct the work of the ombudsman office. The purpose of the ombudsman shall be to act as a centralized information resource for businesses seeking help with increasingly complex matters concerning energy costs and energy programs, subsidies or grants to reduce their energy costs.

The bill further provides for the ombudsman, under the supervision of the board, to direct the work of the office subject to any rules and regulations adopted by the board concerning the general duties and conduct of the ombudsman office.

The bill also provides for the funding of the ombudsman office to come from a portion of the monies received by the board under the board's continuing regulation of Basic Generation Service pursuant to section 9 of P.L.1999, c.23 (C.48:3-57) and allows for the board to assess the continuing need for the ombudsman and to consider alternative funding options.

The bill directs the ombudsman to report annually to the board on the operations of the ombudsman office and to provide other reports to the board as required.

FISCAL IMPACT:

The cost of staffing the ombudsman will be determined by BPU. No data are available to estimate the costs of the proposal at this time. BPU may assess a fee on non-residential customers sufficient to provide for funding of this office from the BPU's Basic Generation Service.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 3471

STATE OF NEW JERSEY

211th LEGISLATURE

DATED: JULY 6, 2005

SUMMARY

Synopsis: Provides for appointment of a Board of Public Utilities Business Ombudsman to assist businesses with energy issues.

Type of Impact: Ongoing expenditure increase, with matching revenue

Agencies Affected: Board of Public Utilities

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost		Indeterminate	
State Revenue		Matches cost	

- ! The duties and staffing of the proposed Business Ombudsman office within the Board of Public Utilities (BPU) will be determined by the Board. Data regarding the cost of operating the office is not available at this time.
- ! Revenue to match the cost would be funded out of a portion of the monies received from an assessment on certain non-residential electricity consumption, pursuant to the Board's regulatory authority.

BILL DESCRIPTION

Assembly Bill No. 3471 (2R) of 2005 proposes to establish the BPU Business Ombudsman (the "ombudsman") in the BPU (the "board") and directs the President of the Board to appoint the ombudsman, who shall serve at the pleasure of the President, to direct the work of the ombudsman's office subject to any rules and regulations adopted by the board concerning the general duties and conduct of the ombudsman's office.

The purpose of the ombudsman shall be to act as a centralized information resource for businesses seeking help with increasingly complex matters concerning energy costs and energy programs, subsidies or grants to reduce their energy costs.

The bill provides for the funding of the ombudsman's office to come from a portion of the monies received by the board under the board's continuing regulation of Basic Generation

Service pursuant to sections 3 and 9 of P.L.1999, c.23 (C.48:3-51 and 48:3-57). The bill allows for the board to assess the continuing need for the ombudsman and to consider alternative funding options of the ombudsman as may be necessary.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The cost of staffing the Business Ombudsman office will be determined by the BPU. Data is not available to estimate the costs of the proposal at this time. As noted above, the BPU assesses a fee on certain non-residential customers, and revenue from this fee is to provide for the funding of the ombudsman's office from the board's continuing regulation of Basic Generation Service pursuant to sections 3 and 9 of P.L.1999, c.23 (C.48:3-51 and 48:3-57). The bill allows for the board to assess the continuing need for the ombudsman and to consider alternative funding options of the ombudsman as may be necessary. Thus, after appointment of the Ombudsman, the BPU retains the authority to abolish the position.

Section: *Authorities, Utilities, Transportation and Communications*

Analyst: *Mark J. Trease*
Associate Fiscal Analyst

Approved: *David J. Rosen*
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

SENATE, No. 2247

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED JANUARY 24, 2005

Sponsored by:

Senator PAUL SARLO

District 36 (Bergen, Essex and Passaic)

Senator RAYMOND J. LESNIAK

District 20 (Union)

Co-Sponsored by:

Senator Kyrillos

SYNOPSIS

Provides for appointment of a BPU Business Ombudsman to assist businesses with energy issues.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/17/2005)

1 AN ACT providing for the appointment of a BPU Business
2 Ombudsman in the Board of Public Utilities and supplementing
3 Title 48 of the Revised Statutes.

4

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

7

8 1. This act shall be known and may be cited as the "BPU Business
9 Ombudsman Act."

10

11 2. The Legislature finds and determines that:

12 a. The attraction and retention of new and existing businesses is
13 vital to the continued economic development of the State.

14 b. The increasing complexity of energy issues and the creation of
15 a competitive energy marketplace, has resulted in obstacles to the
16 attraction and retention of new and existing businesses in this State,
17 especially since other states have developed marketing and
18 promotional materials and programs designed to offer businesses the
19 means to quickly determine energy savings from relocating to another
20 area of the country.

21 c. An effective strategy to counter such efforts, attract new
22 businesses and retain existing businesses in this State, is to provide for
23 the appointment of a BPU Business Ombudsman within the Board of
24 Public Utilities who shall be responsible for providing information to
25 businesses concerning energy costs in the State and to assist
26 businesses with the application for and processing of State energy
27 programs, subsidies and grants to reduce their energy costs.

28 d. It is in the public interest to remain competitive with other states
29 by authorizing the President of the Board of Public Utilities to appoint
30 a BPU Business Ombudsman to act as a centralized resource for
31 businesses to obtain information and assistance concerning State
32 energy costs, potential benefits resulting from switching to or utilizing
33 third-party energy suppliers, State energy programs, subsidies and
34 grants to reduce energy costs and to promote energy efficiencies.

35 e. The appointment of a BPU Business Ombudsman to oversee and
36 coordinate the dissemination of energy information needed by
37 businesses is intended to encourage businesses to remain and expand
38 in this State, to attract businesses from other states to relocate to this
39 State and to stimulate business investment.

40

41 3. As used in this act:

42 "Act" means the "BPU Business Ombudsman Act."

43 "Board" means the Board of Public Utilities.

44 "Business project or activity" means a new commercial or industrial
45 business or enterprise or the expansion or improvement of an existing
46 commercial or industrial business or enterprise in this State.

1 "BPU Business Ombudsman" means the person appointed by the
2 President of the Board pursuant to section 4 of this act.

3
4 4. a. There is hereby created a BPU Business Ombudsman in the
5 board to provide information and assistance to any business, located
6 in this State or seeking to relocate in this State, with regard to energy
7 costs, potential benefits from switching to or utilizing third-party
8 energy suppliers, State energy programs, subsidies or grants available
9 to businesses to reduce their energy costs and promotion of energy
10 efficiencies.

11 b. The ombudsman office shall be headed by a BPU Business
12 Ombudsman who shall be appointed by the President of the Board and
13 shall serve at the pleasure of the President of the Board. The BPU
14 Business Ombudsman shall be a person qualified by training,
15 experience, or both, to direct the work of the office. In appointing an
16 Ombudsman, the President of the Board may select from, but shall not
17 be restricted to, candidates from within the board as presently
18 constructed.

19 c. The Ombudsman, under the supervision of the board, shall
20 organize the work of that office and employ such professional,
21 technical, research and clerical staff as may be necessary, proper and
22 expedient to carry out the purposes of P.L. , c. (C.) (now before
23 the Legislature as this bill). The board, in consultation with the
24 Ombudsman, may formulate and adopt rules and regulations and
25 prescribe duties for the efficient conduct of the business, work and
26 general administration in connection with P.L. , c. (C.) (now
27 before the Legislature as this bill). The Ombudsman may delegate to
28 subordinate employees such of the Ombudsman's powers as the
29 Ombudsman may deem desirable, to be exercised under the
30 Ombudsman's supervision and direction.

31 d. The BPU Business Ombudsman and staff shall be funded
32 through use of a portion of the monies received by the board as a
33 result of the board's inclusion of a retail margin on all non-residential
34 customers pursuant to the board's continuing regulation of Basic
35 Generation Service pursuant to sections 3 and 9 of P.L.1999, c.23
36 (C.48:3-51 and 48:3-57). Nothing in P.L. , c. (C.) (now before
37 the Legislature as this bill) should be interpreted to restrict the board's
38 discretion to set the level of the retail margin. Should the board
39 determine to reduce or eliminate the retail margin or take any action
40 that might implicate the funding of the activities or position, or both,
41 of the BPU Business Ombudsman, the board shall assess the
42 continuing need for the Ombudsman and upon a determination that the
43 position remains necessary and useful shall consider alternative funding
44 options.

45
46 5. It shall be the function of the office to:

- 1 a. Assist businesses with obtaining information concerning energy
2 costs in response to requests from businesses;
- 3 b. Monitor the impact of State energy costs on business projects
4 and activities and on business decisions to relocate to this State, and
5 identify and recommend energy cost reduction strategies including
6 State programs, subsidies and grants that may be available for
7 businesses to reduce their energy costs;
- 8 c. Participate in the application process for State energy programs,
9 subsidies and grants on behalf of a business, if in the BPU Business
10 Ombudsman's judgment, such participation may be necessary to assist
11 a business in order for a project or activity to proceed;
- 12 d. Work with board staff to assist in creating public information
13 programs designed to acquaint and educate businesses and the public
14 about the duties and responsibilities of the office; and
- 15 e. Interface with energy marketers seeking to provide service in this
16 State and, where appropriate, work to bring them together with
17 businesses concerned about energy costs.

18

19 6. The Ombudsman shall make an annual report to the board of the
20 office's operations, and render such other reports as the board shall
21 from time to time request or as may be required by law.

22

23 7. The board may, pursuant to the "Administrative Procedure Act,"
24 P.L.1968, c.410 (C.52:14B-1 et seq.), adopt such rules and
25 regulations, as shall be necessary to implement the provisions of this
26 act.

27

28 8. This act shall take effect 90 days after enactment but the board
29 may take administrative actions in advance to effectuate the purposes
30 of this act.

31

32

33

STATEMENT

34

35 This bill establishes the BPU Business Ombudsman (the
36 "ombudsman") in the Board of Public Utilities (the "board") and
37 provides for the President of the Board to appoint the ombudsman,
38 who shall serve at the pleasure of the President, to direct the work of
39 the ombudsman's office subject to any rules and regulations adopted
40 by the board concerning the general duties and conduct of the
41 ombudsman's office.

42 The purpose of the ombudsman shall be to act as a centralized
43 information resource for businesses seeking help with increasingly
44 complex matters concerning energy costs and energy programs,
45 subsidies or grants to reduce their energy costs.

46 The bill provides for the funding of the ombudsman's office to come

1 from a portion of the monies received by the board under the board's
2 continuing regulation of Basic Generation Service pursuant to sections
3 3 and 9 of P.L.1999, c.23 (C.48:3-51 and 48:3-57). The bill allows
4 for the board to assess the continuing need for the ombudsman and to
5 consider alternative funding options of the ombudsman as may be
6 necessary.

7 The bill directs the ombudsman to report annually to the board on
8 the operations of the ombudsman's office and to provide other reports
9 to the board as required.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE, No. 2247

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 16, 2005

The Senate Economic Growth Committee reports favorably and with committee amendments Senate Bill No. 2247.

As amended by the committee, this bill establishes the BPU Business Ombudsman ("ombudsman") in the Board of Public Utilities ("board") and provides for the President of the Board to appoint the ombudsman from within or from outside the board. The purpose of the ombudsman shall be to act as a centralized information resource for businesses seeking help with increasingly complex matters concerning energy costs and energy programs, subsidies or grants to reduce their energy costs.

The bill further provides for the ombudsman, under the supervision of the board, to formulate and adopt rules and regulations and prescribe duties for the efficient conduct of the business, work and general administration in connection with the bill.

The bill also provides for the funding of the ombudsman to come from a portion of the monies received by the board under the board's continuing regulation of Basic Generation Service pursuant to section 9 of P.L.1999, c.23 (C.48:3-57) and allows for the board to assess the continuing need for the ombudsman and to consider alternative funding options.

The bill directs the ombudsman to report annually to the board on the operations of the ombudsman and to provide other reports to the board as required.

The committee amended the bill to clarify that the ombudsman position is to be funded using monies received by the board through the assessment of the retail margin on certain hourly-priced and larger non-residential customers pursuant to the board's continuing regulation of basic generation service pursuant to sections 3 and 9 of P.L.1999, c.23 (C.48:3-51 and 48:3-57).

As amended by the committee, Senate Bill, No. 2247 is identical to Assembly Bill, No. 3471 (2R).

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2247

STATE OF NEW JERSEY

DATED: JUNE 27, 2005

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2247 (1R).

This bill establishes the BPU Business Ombudsman ("ombudsman") in the Board of Public Utilities ("board") and provides for the President of the Board to appoint the ombudsman from within or from outside the board. The purpose of the ombudsman shall be to act as a centralized information resource for businesses seeking help with increasingly complex matters concerning energy costs, programs, subsidies, or grants to reduce their energy costs.

The bill provides for the ombudsman, under the supervision of the board, to formulate and adopt rules and regulations and prescribe duties for the efficient conduct of the business, work and general administration in connection with the bill.

The bill also provides for the funding of the ombudsman to come from monies received by the board through the assessment of the retail margin on certain hourly-priced and larger non-residential customers pursuant to the board's continuing regulation of basic generation service pursuant to sections 3 and 9 of P.L.1999, c.23 (C.48:3-51 and 48:3-57). The bill additionally allows for the board to assess the continuing need for the ombudsman and to consider alternative funding options.

The bill directs the ombudsman to report annually to the board on the operations of the ombudsman and to provide other reports to the board as required.

As reported, this bill is identical to Assembly Bill, No. 3471 (2R).

FISCAL IMPACT:

The cost of staffing the Business Ombudsman office will be determined by the BPU. Data is not available to estimate the costs of the proposal at this time. The BPU may assess a fee on non-residential customers sufficient to provide for the funding of this office from the BPU's continuing regulation of Basic Generation Service pursuant to sections 3 and 9 of P.L.1999, c.23 (C.48:3-51 and C.48:3-57). The bill also allows for the board to assess the continuing need for the ombudsman and to consider alternative funding options

of the ombudsman as may be necessary. Thus, after appointment of the Ombudsman, the BPU retains the authority to abolish the position.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 2247
STATE OF NEW JERSEY
211th LEGISLATURE

DATED: MAY 26, 2005

SUMMARY

Synopsis: Provides for appointment of a Board of Public Utilities Business Ombudsman to assist businesses with energy issues.

Type of Impact: Ongoing expenditure increase, with matching revenue

Agencies Affected: Board of Public Utilities

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate-See Comments Below		
State Revenue	Matches cost-See Comments Below		

- ! The duties and staffing of the proposed Business Ombudsman office within the Board of Public Utilities will be determined by the Board. Data regarding the cost of operating the office is not available at this time.
- ! Revenue to match the cost would be provided by an assessment on non-residential electricity consumption, pursuant to the Board's regulatory authority.

BILL DESCRIPTION

Senate Bill No. 2247 of 2005 proposes to establish the BPU Business Ombudsman (the "ombudsman") in the Board of Public Utilities (the "board") and provides for the President of the Board to appoint the ombudsman, who shall serve at the pleasure of the President, to direct the work of the ombudsman's office subject to any rules and regulations adopted by the board concerning the general duties and conduct of the ombudsman's office.

The purpose of the ombudsman shall be to act as a centralized information resource for businesses seeking help with increasingly complex matters concerning energy costs and energy programs, subsidies or grants to reduce their energy costs.

The bill provides for the funding of the ombudsman's office to come from a portion of the monies received by the board under the board's continuing regulation of Basic Generation Service pursuant to sections 3 and 9 of P.L.1999, c.23 (C.48:3-51 and 48:3-57). The bill allows

for the board to assess the continuing need for the ombudsman and to consider alternative funding options of the ombudsman as may be necessary.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The cost of staffing the Business Ombudsman office will be determined by the Board of Public Utilities. Data is not available to estimate the costs of the proposal at this time. As noted above, the BPU may assess a fee on non-residential customers sufficient to provide for the funding of the ombudsman's office from the board's continuing regulation of Basic Generation Service pursuant to sections 3 and 9 of P.L.1999, c.23 (C.48:3-51 and 48:3-57). The bill allows for the board to assess the continuing need for the ombudsman and to consider alternative funding options of the ombudsman as may be necessary. Thus, after appointment of the Ombudsman, the Board of Public Utilities retains the authority to abolish the position.

Section: *Authorities, Utilities, Transportation and Communications*

Analyst: *Mark J. Trease*
Associate Fiscal Analyst

Approved: *David J. Rosen*
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2247

STATE OF NEW JERSEY

211th LEGISLATURE

DATED: JULY 14, 2005

SUMMARY

Synopsis: Provides for appointment of a Board of Public Utilities Business Ombudsman to assist businesses with energy issues.

Type of Impact: Ongoing expenditure increase, with matching revenue

Agencies Affected: Board of Public Utilities

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate-See Comments Below		
State Revenue	Matches cost-See Comments Below		

- ! The duties and staffing of the proposed Business Ombudsman office within the Board of Public Utilities will be determined by the Board. Data regarding the cost of operating the office is not available at this time.
- ! Revenue to match the cost would be funded out of a portion of the monies received from an assessment on certain non-residential electricity consumption, pursuant to the Board's regulatory authority.

BILL DESCRIPTION

Senate Bill No. 2247 (1R) of 2005 proposes to establish the BPU Business Ombudsman (the "ombudsman") in the Board of Public Utilities (the "board") and provides for the President of the Board to appoint the ombudsman, who shall serve at the pleasure of the President, to direct the work of the ombudsman's office subject to any rules and regulations adopted by the board concerning the general duties and conduct of the ombudsman's office.

The purpose of the ombudsman shall be to act as a centralized information resource for businesses seeking help with increasingly complex matters concerning energy costs and energy programs, subsidies or grants to reduce their energy costs.

The bill provides for the funding of the ombudsman's office to come from a portion of the

monies received by the board under the board's continuing regulation of Basic Generation Service pursuant to sections 3 and 9 of P.L.1999, c.23 (C.48:3-51 and 48:3-57). The bill allows for the board to assess the continuing need for the ombudsman and to consider alternative funding options of the ombudsman as may be necessary.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The cost of staffing the Business Ombudsman office will be determined by the BPU . Data is not available to estimate the costs of the proposal at this time. As noted above, the BPU assesses a fee on certain non-residential customers, and revenue from this fee is to provide for the funding of the ombudsman's office from the board's continuing regulation of Basic Generation Service pursuant to sections 3 and 9 of P.L.1999, c.23 (C.48:3-51 and 48:3-57). The bill allows for the board to assess the continuing need for the ombudsman and to consider alternative funding options of the ombudsman as may be necessary. Thus, after appointment of the Ombudsman, the BPU retains the authority to abolish the position.

Section: *Authorities, Utilities, Transportation and Communications*

Analyst: *Mark J. Trease*
Associate Fiscal Analyst

Approved: *David J. Rosen*
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.