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LAW/KR

P.L.2011, CHAPTER 63, *approved May 4, 2011*
Assembly, No. 2849 (*First Reprint*)

1 AN ACT concerning orders of the Board of Public Utilities and
2 amending R.S.48:2-40.

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

6
7 1. R.S.48:2-40 is amended to read as follows:

8 48:2-40. a. A majority vote of the board shall be necessary to
9 the **making** issuance of an order.

10 b. After the effective date of P.L. , c. (pending before the
11 Legislature as this bill), the board shall issue every **such**¹ order
12 in written form. If a matter is an emergency that affects public
13 health and safety, the board may issue **an** a temporary¹ order on
14 **such** the¹ matter orally, **provided that the board shall issue the**
15 **order in writing within 14 calendar days of issuing the order orally;**
16 **provided, however, that the written order shall** but shall within 14
17 days thereafter issue the order as a written order that does¹ not
18 differ substantively from the oral order. Any board order issued
19 orally may be made effective immediately, but¹, regardless of its
20 effective date,¹ if **such** that¹ order is not issued in written form
21 within 14 calendar days thereafter, **it** or the written order is
22 substantively different from the oral order, the oral order¹ shall be
23 void and of no effect ¹as of the 15th calendar day after its issuance¹.

24 c. The board shall issue any written order by filing a copy
25 thereof with the board secretary. Every written order **made**
26 issued by the board shall be ¹:

27 (1)¹ served upon the person or public utility affected thereby
28 within ten days from **the time the order is filed,** **such** its¹
29 filing by personally delivering or by mailing a certified copy thereof
30 in a sealed package with postage prepaid to the person affected or to
31 an officer or agent of the public utility upon whom a summons may
32 be served ¹; and

33 (2) posted upon the Internet website of the board¹ .

34 d. All written orders of the board **,** except for those that shall
35 previously have become effective immediately upon issuance as
36 oral orders pursuant to subsection b. hereof,¹ shall become
37 effective upon service thereof or upon such dates after the service
38 thereof as may be specified therein.

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 ARG committee amendments adopted November 8, 2010.

1 e. The board at any time may order a rehearing and extend,
2 revoke or modify an order made by it.

3 (cf: R.S.48:2-40)

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5 2. This act shall take effect on the 30th day after the date of
6 enactment, but the Board of Public Utilities may take such
7 anticipatory administrative action in advance thereof as shall be
8 necessary for the implementation of this act.

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13 _____
14 Requires BPU orders to be issued in writing and posted on
Internet.

ASSEMBLY, No. 2849

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JUNE 10, 2010

Sponsored by:

Assemblyman JOHN J. BURZICHELLI
District 3 (Salem, Cumberland and Gloucester)
Assemblywoman ANNETTE QUIJANO
District 20 (Union)
Assemblyman WAYNE P. DEANGELO
District 14 (Mercer and Middlesex)
Assemblywoman CELESTE M. RILEY
District 3 (Salem, Cumberland and Gloucester)

SYNOPSIS

Requires BPU to issue all orders in written form.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/11/2010)

1 AN ACT concerning orders of the Board of Public Utilities and
2 amending R.S.48:2-40.

3

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

6

7 1. R.S.48:2-40 is amended to read as follows:

8 48:2-40. a. A majority vote of the board shall be necessary to
9 the **[making]** issuance of an order.

10 b. After the effective date of P.L. , c. (pending before the
11 Legislature as this bill), the board shall issue every such order in
12 written form. If a matter is an emergency that affects public health
13 and safety, the board may issue an order on such matter orally,
14 provided that the board shall issue the order in writing within 14
15 calendar days of issuing the order orally; provided, however, that
16 the written order shall not differ substantively from the oral order.
17 Any board order issued orally may be made effective immediately,
18 but if such order is not issued in written form within 14 calendar
19 days thereafter, it shall be void and of no effect.

20 c. The board shall issue any written order by filing a copy
21 thereof with the board secretary. Every written order **[made]**
22 issued by the board shall be served upon the person or public utility
23 affected thereby within ten days from **[the time the order is filed,]**
24 such filing by personally delivering or by mailing a certified copy
25 thereof in a sealed package with postage prepaid to the person
26 affected or to an officer or agent of the public utility upon whom a
27 summons may be served.

28 d. All written orders of the board, except for those that shall
29 previously have become effective immediately upon issuance as
30 oral orders pursuant to subsection b. hereof, shall become effective
31 upon service thereof or upon such dates after the service thereof as
32 may be specified therein.

33 e. The board at any time may order a rehearing and extend,
34 revoke or modify an order made by it.
35 (cf: R.S.48:2-40)

36

37 2. This act shall take effect on the 30th day after the date of
38 enactment, but the Board of Public Utilities may take such
39 anticipatory administrative action in advance thereof as shall be
40 necessary for the implementation of this act.

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STATEMENT

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45 This bill requires the Board of Public Utilities ("board") to issue

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.

A2849 BURZICHELLI, QUIJANO

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1 every order in written form. The bill allows a written order to be
2 issued within 14 days of an oral order where a matter is an
3 emergency that affects public health and safety provided, however,
4 the written order could not differ substantively from the oral order.
5 Any board order issued orally may be made effective immediately,
6 but if such order is not issued in written form within 14 calendar
7 days thereafter, it shall be void and of no effect. The bill clarifies
8 that the board shall issue any written order by filing a copy with the
9 board secretary.

ASSEMBLY REGULATORY OVERSIGHT AND GAMING
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2849

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 8, 2010

The Assembly Regulatory Oversight and Gaming Committee reports favorably and with committee amendments Assembly, No. 2849.

This bill requires the Board of Public Utilities ("board") to issue every order in written form. However, if a matter is an emergency that affects public health and safety, the bill allows the board to issue a temporary order on the matter orally, but requires the board within 14 days thereafter to issue the order as a written order that does not differ substantively from the oral order. Any board order issued orally may be made effective immediately, but, regardless of its effective date, if that order is not issued in written form within 14 calendar days thereafter, or the written order is substantively different from the oral order, the oral order shall be void and of no effect as of the 15th calendar day after its issuance.

The bill also clarifies that the board issues written orders by filing a copy with the board secretary. Lastly, as amended, the bill requires all written board orders to be posted on the board's Internet website.

COMMITTEE AMENDMENTS:

The committee amendments to the bill:

- 1) require written board orders to be posted upon the board's Internet website; and
- 2) make technical and clarifying changes.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2849

STATE OF NEW JERSEY

DATED: JANUARY 31, 2011

The Senate Economic Growth Committee reports favorably Assembly Bill, No. 2849 (1R).

This bill revises current law (R.S.48:2-40) concerning orders of the Board of Public Utilities ("board"). Specifically, the bill requires the board to issue every order in written form. However, if a matter is an emergency that affects public health and safety, the bill allows the board to issue a temporary order on the matter orally, but requires the board within 14 days thereafter to issue the order as a written order that does not differ substantively from the oral order. Any board order issued orally may be made effective immediately, but, regardless of its effective date, if that order is not issued in written form within 14 calendar days thereafter, or the written order is substantively different from the oral order, the oral order shall be void and of no effect as of the 15th calendar day after its issuance.

The bill also clarifies that the board issues written orders by filing a copy with the board secretary. Lastly, the bill requires all written board orders to be posted on the board's Internet website.

As reported by the committee, Assembly Bill No. 2849 (1R) is identical to Senate Bill No. 2441 which was also reported by the committee on this date.

SENATE, No. 2441

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED NOVEMBER 22, 2010

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator PAUL A. SARLO

District 36 (Bergen, Essex and Passaic)

Co-Sponsored by:

Senators Gordon and Greenstein

SYNOPSIS

Requires BPU orders to be issued in writing and posted on Internet.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/22/2011)

S2441 WEINBERG, SARLO

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2 amending R.S.48:2-40.

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5 of New Jersey:

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7 1. R.S.48:2-40 is amended to read as follows:

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12 form. If a matter is an emergency that affects public health and
13 safety, the board may issue a temporary order on the matter orally,
14 but shall within 14 days thereafter issue the order as a written order
15 that does not differ substantively from the oral order. Any board
16 order issued orally may be made effective immediately, but,
17 regardless of its effective date, if that order is not issued in written
18 form within 14 calendar days thereafter, or the written order is
19 substantively different from the oral order, the oral order shall be
20 void and of no effect as of the 15th calendar day after its issuance.

21 c. The board shall issue any written order by filing a copy
22 thereof with the board secretary. Every written order **[made]**
23 issued by the board shall be:

24 (1) served upon the person or public utility affected thereby
25 within ten days from **[the time the order is filed,] its filing** by
26 personally delivering or by mailing a certified copy thereof in a
27 sealed package with postage prepaid to the person affected or to an
28 officer or agent of the public utility upon whom a summons may be
29 served; and

30 (2) posted upon the Internet website of the board.

31 d. All written orders of the board shall become effective upon
32 service thereof or upon such dates after the service thereof as may
33 be specified therein.

34 e. The board at any time may order a rehearing and extend,
35 revoke or modify an order made by it.

36 (cf: R.S.48:2-40)

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38 2. This act shall take effect on the 30th day after the date of
39 enactment, but the Board of Public Utilities may take such
40 anticipatory administrative action in advance thereof as shall be
41 necessary for the implementation of this act.

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STATEMENT

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This bill requires the Board of Public Utilities ("board") to issue every order in written form. However, if a matter is an emergency that affects public health and safety, the bill allows the board to issue a temporary order on the matter orally, but requires the board within 14 days thereafter to issue the order as a written order that does not differ substantively from the oral order. Any board order issued orally may be made effective immediately, but, regardless of its effective date, if that order is not issued in written form within 14 calendar days thereafter, or the written order is substantively different from the oral order, the oral order shall be void and of no effect as of the 15th calendar day after its issuance.

The bill also clarifies that the board issues written orders by filing a copy with the board secretary. Lastly, as amended, the bill requires all written board orders to be posted on the board's Internet website.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE, No. 2441

STATE OF NEW JERSEY

DATED: JANUARY 31, 2011

The Senate Economic Growth Committee reports favorably Senate Bill, No. 2441.

This bill revises current law (R.S.48:2-40) concerning orders of the Board of Public Utilities ("board"). Specifically, the bill requires the board to issue every order in written form. However, if a matter is an emergency that affects public health and safety, the bill allows the board to issue a temporary order on the matter orally, but requires the board within 14 days thereafter to issue the order as a written order that does not differ substantively from the oral order. Any board order issued orally may be made effective immediately, but, regardless of its effective date, if that order is not issued in written form within 14 calendar days thereafter, or the written order is substantively different from the oral order, the oral order shall be void and of no effect as of the 15th calendar day after its issuance.

The bill also clarifies that the board issues written orders by filing a copy with the board secretary. Lastly, the bill requires all written board orders to be posted on the board's Internet website.

As reported by the committee, Senate Bill No. 2441 is identical to Assembly Bill No. 2849 (1R) which was also reported by the committee on this date.