

As the Department has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for readoption would have a positive social impact in that they would continue to protect the health, safety, and welfare of the public by maintaining enforceable standards for the manufacture, sale, transportation, storage, use, possession, and disposition of explosives. In addition, the rules proposed for readoption would provide the Department with funding to maintain the inspection regimen established within the Explosives Act, N.J.S.A. 21:1A-128 et seq. They also provide alleged violators of the Explosives Act with a due process framework within which to challenge notices of violation and penalties.

Economic Impact

The rules proposed for readoption would have an economic impact on all persons who manufacture, store, use, sell, possess, or dispose of explosives in that they impose on those persons permit fees and penalties for noncompliance with the chapter. Moreover, there would be costs to such persons associated with the acquisition of special precautionary equipment for storage and special signs for off-the-highway transportation of the explosives. In addition, those individuals subject to this chapter would bear the administrative and maintenance costs associated with the reporting and recordkeeping requirements as described in the regulatory flexibility analysis below.

Continued compliance with the chapter will help prevent a significant negative economic impact, such as that resulting from a public disaster caused by the unsafe use of explosives. As in the past, operators found in violation during inspections would still be required to take corrective actions. Only violators would incur additional costs in the form of penalties for noncompliance. As a result of the rules proposed for readoption, the public would continue to benefit from the reduced risk of injuries and loss of life and property.

Federal Standards Statement

The rules proposed for readoption are governed by N.J.S.A. 21:1A-128 et seq., and are not subject to any Federal standards or requirements. Therefore, a Federal standards analysis is not required.

Jobs Impact

The rules proposed for readoption would have no impact on either the generation or loss of jobs.

Agriculture Industry Impact

The rules proposed for readoption would have no impact on the agriculture industry.

Regulatory Flexibility Analysis

The rules proposed for readoption impose some recordkeeping and reporting requirements upon the explosive industry sector, some of which may be considered small businesses as that term is defined pursuant to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

The recordkeeping and reporting requirements are specified at N.J.A.C. 12:190-3, Administration. These statutory requirements call upon the explosives industry to maintain accurate information regarding the supplier, quantities, brand, type, and manufacturer's identifying marks, the date of all invoices and transactions, and the disposition and/or disposal of all explosives. A set time frame is also established by the rules indicating how long these permanent records must be maintained. The rules request detailed information for each individual permit to manufacture, sell, store, or use explosives. All accidents resulting in injury to a person or serious property damage, as well as, losses by theft or otherwise must be immediately reported by the permit holder for the explosive(s) involved to the Division of Public Safety and Occupational Safety and Health. All persons holding permits to store, use, or sell commercial explosives must also file monthly reports on special forms, which may be secured from the Division of Public Safety and Occupational Safety and Health.

Those individuals subject to this chapter are also required to obtain permits, to acquire special precautionary equipment for storage, and to obtain and display special signs for off-the-highway transportation of the

explosives. The costs of these requirements are discussed in the Economic Impact above.

The employment of professional services outside the regulated explosives sector is not necessary in order for this regulated industry to come into compliance with the rules that require the acquisition of permits, precautionary equipment for storage, and the display of special signs for off-the-highway transportation of explosives. As stated above, the vast majority of this regulated industry already possess the permits, precautionary equipment for storage, and the special signs for off-the-highway transportation of explosives. New businesses to this industry will be able to comply with all the chapter's requirements without the assistance of outside professional services. They will be able to pay the permit fees as stated in the rules at N.J.A.C. 12:190-3.14, buy the precautionary storage equipment, and make the special signs for off-the-highway transportation of explosives by following the detailed specifications contained at N.J.A.C. 12:190-6.4.

Any exemption from the rules proposed for readoption would endanger the health, safety, and general welfare of the public. Due to the dangerous and sometimes disastrous nature of injuries caused by the unsafe use of explosives, no differentiation based on business size is necessary or appropriate. All businesses must comply.

Housing Affordability Impact Analysis

It is not anticipated that the rules proposed for readoption would evoke a change in the average costs associated with housing or on the affordability of housing. The basis for this finding is that the rules proposed for readoption pertain to the manufacture, storage, transportation, use, and sale of explosives and have nothing to do with housing.

Smart Growth Development Impact Analysis

It is not anticipated that the rules proposed for readoption would evoke a change in the housing production within Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan. The basis for this finding is that the rules proposed for readoption pertain to the manufacture, storage, transportation, use, and sale of explosives and do not pertain to housing production, either within Planning Areas 1 or 2, within designated centers, or anywhere else in the State of New Jersey.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Commissioner of the Department has evaluated this rulemaking and determined that it would not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 12:190.

PUBLIC UTILITIES

(a)

BOARD OF PUBLIC UTILITIES

Rules of Practice

Proposed Readoption with Amendments: N.J.A.C. 14:1

Authorized By: New Jersey Board of Public Utilities, Joseph L. Fiordaliso, President, Mary-Anna Holden, Dianne Solomon, Upendra J. Chivukula, and Robert Gordon, Commissioners.

Authority: N.J.S.A. 47:1A-1 et seq., 48:2-12, and 52:27F-18.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

BPU Docket Number: AX21121240.

Proposal Number: PRN 2022-128.

The deadline for comments on this matter is 5:00 P.M. ET on November 18, 2022. Please submit comments directly by using the

Board's Public Document Search tool, search for the specific docket listed above, and post by utilizing the "Post Comments" button. Written comments may also be submitted. Please include subject matter and docket number and submit to:

Secretary of the Board
44 South Clinton Ave., 1st Floor
PO Box 350
Trenton, NJ 08625-0350
Attn: AX21121240
Phone: 609-292-1599
Email: board.secretary@bpu.nj.gov

Comments are considered "public documents" for purposes of the State's Open Public Records Act, and any confidential information should be submitted in accordance with the procedures set forth at N.J.A.C. 14:1-12.3.

The agency proposal follows:

Summary

The New Jersey Board of Public Utilities (Board) is proposing to readopt its rules of practice, found at N.J.A.C. 14:1. These rules govern practice and procedure before the New Jersey Board of Public Utilities, which includes all pleadings, petitions, and filings; fees and charges; and appearances and motions in both contested and uncontested cases. The rules also cover confidentiality issues that arise pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Pursuant to N.J.S.A. 52:14B-5.1, the rules were scheduled to expire on August 19, 2022. As the Board has filed this notice of readoption prior to the expiration date, the expiration date was extended 180 days to February 15, 2023, pursuant to N.J.S.A. 52:14B-5.1.c(2). The readoption of N.J.A.C. 14:1 is necessary for the Board to conduct its administrative and other proceedings that enable the Board to meet its statutory duty to ensure that public utilities provide safe, adequate, and proper service to their customers. On January 3, 2022, Board staff issued a straw proposal and request for stakeholder comments. A public comment session was held on February 1, 2022, and written stakeholder comments were received until March 3, 2022.

The rules proposed for readoption contain substantial and technical amendments and reflect changes in technology. Additionally, it should be noted that, throughout the chapter, minor clarifying and/or technical amendments are proposed that do not change the meaning of the text. Below is a section-by-section description of the rules, along with the proposed amendments.

Subchapter 1. General Provisions

N.J.A.C. 14:1-1.1, which covers the scope of the rules, is proposed for readoption without amendment.

N.J.A.C. 14:1-1.2, which provides for liberal construction and amendment of the rules, and for Board relaxation of the rules in special cases, is proposed for readoption with an amendment to paragraph (b)2, which would enable any person or entity seeking a waiver of any of the Board's rules to apply electronically, through email, to the Board Secretary.

N.J.A.C. 14:1-1.3 contains definitions of terms used in the rules and is proposed for readoption with an amendment to add a definition of "electronically filed."

N.J.A.C. 14:1-1.4, which contains the street address and office house of the Board, is proposed for readoption with an amendment to update the address of the Board.

N.J.A.C. 14:1-1.5, which delineates the different filing methods for formal and informal proceedings brought before the Board, is proposed for readoption without amendment.

N.J.A.C. 14:1-1.6 governs communications with the Board and is proposed for readoption with amendments at subsections (a), (b), and (c) to reflect changes in technology and current practice. Specifically, the Board has updated the section to permit electronic filing and clarified when communications filed with the Board by email, electronically, and regular mail are deemed received by the Board and when in formal proceedings documents submitted electronically to the Board are deemed formally received by the Board. The Board has further updated the section by deleting subsection (c) as it is duplicative of subsection (a). Finally, the address of the Board Secretary has also been updated.

N.J.A.C. 14:1-1.6A, which covers the submittal of comments on rule proposals, is proposed for readoption with amendments to reflect changes in technology and other clarifications. Specifically, the Board has updated the section to permit electronic filing and to clarify when an electronic filing is deemed received by the Board. Additionally, subsections (d) and (e) are proposed for deletion, as that information is contained at subsections (c) and (f), as proposed for amendment.

N.J.A.C. 14:1-1.7, which addresses the Board's official records, is proposed for readoption with amendments to reflect changes in technology. Specifically, the Board has updated the section to specify that copies can be provided either by email or by mail upon payment of the appropriate fee.

N.J.A.C. 14:1-1.8, which governs the use of photographic equipment and recording devices in Board proceedings, is proposed for readoption with a clarification. The proposed amendment substitutes the term "fitting dignity and" with the word "proper" at subsection (a), which relates to the conduct of Board proceedings.

Subchapter 2. Fees and Charges

N.J.A.C. 14:1-2.1, which governs the amount of fees and charges more particularly set forth at N.J.S.A. 48:2-56, is proposed for readoption without amendment.

N.J.A.C. 14:1-2.2, which governs the collection of fees and charges for document filings, is proposed for readoption with amendments to reflect changes in technology. Specifically, the Board clarifies that hard copies of certain documents will not be provided unless a fee is paid.

Subchapter 3. Appearance Before the Board

N.J.A.C. 14:1-3.1, which authorizes the Board to require evidence of a person's authority to appear before the Board in a representative capacity, is proposed for readoption with a clarifying amendment. Specifically, any person appearing before, or transacting business with the Board, in a representative capacity may be required by the Board to file evidence of his or her authority to act in such capacity, subject to N.J.A.C. 1:1-5.1, 5.2, and 5.4.

N.J.A.C. 14:1-3.2, which requires adherence to ethical standards by attorneys appearing before the Board, is proposed for readoption without amendment.

N.J.A.C. 14:1-3.3, which governs appearances of former employees of the Board and members of the Attorney General's Office before the Board for six months after severing their association with the Board and beyond, is proposed for readoption with amendments to clarify what constitutes an appearance and provides exceptions to the six-month prohibition (as new subsection (b)).

Subchapter 4. Pleadings

N.J.A.C. 14:1-4.1, which describes the types of pleadings that may be filed with the Board, is proposed for readoption without amendment.

N.J.A.C. 14:1-4.2, which sets forth requirements for the number of copies of each pleading filed, is proposed for readoption with amendments to change the number of required copies from 10 to one, when filed by hard copy, and to make other clarifications.

N.J.A.C. 14:1-4.2A sets forth requirements for electronic filings and is proposed for readoption with amendments and clarifications. Paragraph (b)4, which notes that electronic filings shall not affect the requirement that the Division of Law and Public Safety or the Division of Rate Counsel be served with a hard copy of all pleadings, is proposed to be deleted, consistent with the Board's move to electronic filings to eliminate redundant paper-filing requirements for electronically filed documents.

N.J.A.C. 14:1-4.3, which requires that certain documents submitted with pleadings conform to the Uniform System of Accounts, is proposed for readoption with an amendment. To eliminate or reduce the number of requests for waiver of this section, proposed new subsection (b) makes an exception for those entities that are not required by the Federal Communications Commission to use the Uniform System of Accounts.

N.J.A.C. 14:1-4.4, which provides that the Board will liberally construe pleadings with the view to affect justice, is proposed for readoption without amendment.

N.J.A.C. 14:1-4.5, which sets forth requirements for serving pleadings and providing notice of filings to parties and the public, is proposed for readoption without amendment.

N.J.A.C. 14:1-4.6, which requires that certain pleadings be verified, is proposed for readoption without amendment.

N.J.A.C. 14:1-4.7, which provides for amendments to pleadings to reflect significant changes in facts or circumstances, is proposed for readoption without amendment.

Subchapter 5. Petitions

N.J.A.C. 14:1-5.1, which sets forth the basic requirements for the form and content of petitions, is proposed for readoption without amendment.

N.J.A.C. 14:1-5.2, which sets forth required information that must be included in a petition when the relief sought requires the approval of another government body in addition to the Board, is proposed for readoption with an amendment to change the number of required copies of any application to such government bodies and any issued order relating to such application from three to one.

N.J.A.C. 14:1-5.3, which provides for a petitioner to join with another, and for the Board to sever joined petitions, is proposed for readoption without amendment.

N.J.A.C. 14:1-5.4 sets forth the Board's procedures upon the filing of a petition and is proposed for readoption without amendment.

N.J.A.C. 14:1-5.5 sets forth the requirements for petitions for approval of franchises and consents and is proposed for readoption without amendment.

N.J.A.C. 14:1-5.6 sets forth the requirements for petitions for approval of sales or leases of property. The Board proposes an amendment at paragraph (a)1 to change the number of required copies of sheets containing a description of the property from 10 to an original and one copy. Subsection (i), which lists the conditions for a utility waiver request to the advertising requirement, has been changed to indicate that such request no longer needs to be in writing, consistent with the Board's move to electronic filing. Thus, the subsection's reference to "written" is proposed to be deleted.

N.J.A.C. 14:1-5.7, which sets forth the requirements for petitions for approval of changes in the depreciation rate a utility uses, is proposed for readoption without amendment.

N.J.A.C. 14:1-5.8 sets forth the requirements for petitions for authority to utilize eminent domain and is proposed for readoption without amendment.

N.J.A.C. 14:1-5.9 sets forth the requirements for petitions for authority to issue certain notices of indebtedness, such as stocks or bonds, and for authority to execute mortgages. The section is proposed for readoption with a clarifying amendment. The word "theretofore" at paragraph (a)6 is proposed to be replaced with "previously."

N.J.A.C. 14:1-5.9A, which sets forth certain requirements for approval of security issues by utilities, is proposed for readoption with a clarifying amendment. The Board is proposing to amend language at subsection (a) to better reflect the statutory language at N.J.S.A. 48:3-9(a). Furthermore, the Board is proposing to delete subsection (b) and remove the case-specific reference to the Riverside Traction Company matter at paragraph (c)2.

N.J.A.C. 14:1-5.10, which sets forth the requirements for petitions for authority to transfer capital stock, is proposed for readoption without amendment.

N.J.A.C. 14:1-5.11, which sets forth the requirements for tariff filings if the tariff or tariff amendments would not increase charges to customers, is proposed for readoption with an amendment to correct a cross-reference to the New Jersey Administrative Code. The Board proposes to delete the requirement at paragraph (a)1 to provide "four copies of" the proposed tariff or revision and accompanying explanation.

N.J.A.C. 14:1-5.12, which sets forth the requirements for tariff filings if the tariff or tariff amendments would increase charges to customers, is proposed for readoption with amendments to: 1. correct a cross-reference to the New Jersey Administrative Code; 2. reflect the law in the telephone industry by removing paragraph (a)7; 3. reflect the change in the Board's policy on the consolidated tax adjustment; 4. replace term "Chosen Freeholders" with "County Commissioners"; and 5. update the address for the Department of Law and Public Safety. The Board makes the proposed rule change to the policy on the consolidated tax adjustment (CTA) to comply with the Superior Court of New Jersey, Appellate Division's decision in the case of *In re Adopted Amendment to N.J.A.C. 14:1-5.12*

(*Tariff Filings or Petitions which Propose Increases in Charges to Customers*), No. A-3621-18 (App. Div. June 7, 2021) (*CTA Decision*), which reversed a Board rule at N.J.A.C. 14:1-5.12. The reversed rule allocated to utility customers 25 percent of CTA savings instead of 100 percent of such savings. The court defined the CTA as the Board's determination of the utility's "actual" taxes because "it incorporates the finding of the utility's proper share of the [consolidated] group's tax saving." *CTA Decision*, Slip Op. at 17. The court noted that if a regulated utility realizes CTA savings, the utility's ratepayers are "entitled to have the computation of those benefits reflected in their utility rates." *Id.* at 15-16. Emphasizing the "ratemaking principle" that "[i]t is only the real tax figure which should control rather than that which is purely hypothetical" and noting that operating expenses must be "actual" and not "hypothetical expenses which did not and foreseeably will not occur," the court held that allocating any portion of the CTA to shareholders "would make the ratepayers bear a hypothetical tax expense ... in violation of case law precedent." *Id.* at 14-15, 18. The court upheld the other provisions of the CTA rule that were under review. *Id.* at 17-19. As a result of the court's decision, the Board has revised the rule to allocate 100 percent of CTA savings to utility customers.

N.J.A.C. 14:1-5.12A, which governs the filing of petitions for an adjustment to a utility's levelized energy adjustment clause rate, basic generation service clause rate, or basic gas supply service pricing clause rate, is proposed for readoption without amendment.

N.J.A.C. 14:1-5.13 provides for the filing of an informal complaint in lieu of a petition and is proposed for readoption with amendment to reflect changes in technology. "Fax or other writing" is proposed to be deleted from subsection (a), which will be substituted with "electronic filing."

N.J.A.C. 14:1-5.14, which sets forth the requirements for approval of a petition for a merger, consolidation, acquisition, or change in control, is proposed for readoption without amendment.

N.J.A.C. 14:1-5.15, which sets forth the requirements for approval of petitions requesting permission to keep records outside of New Jersey, is proposed for readoption without amendment.

N.J.A.C. 14:1-5.16 sets forth the requirements for petitions for rulemaking in accordance with N.J.A.C. 1:30-4 and is proposed for readoption without amendment.

Subchapter 6. Answers and Replies

N.J.A.C. 14:1-6.1, which sets forth the requirements for the form and content of answers and replies to petitions, is proposed for readoption without amendment.

N.J.A.C. 14:1-6.2, which sets forth deadlines for filing of answers or replies, is proposed for readoption without amendment.

Subchapter 7. Conferences and Settlements

N.J.A.C. 14:1-7.1, which sets forth the purpose of the subchapter regarding conferences, is proposed for readoption without amendment.

N.J.A.C. 14:1-7.2, which provides for the Board to require a pre-transmittal conference, is proposed for readoption without amendment.

N.J.A.C. 14:1-7.3, which requires a stipulation to the results of the pre-transmittal conference, is proposed for readoption without amendment.

N.J.A.C. 14:1-7.4, which sets forth the authority of Board designees to conduct pre-transmittal conferences, is proposed for readoption without amendment.

N.J.A.C. 14:1-7.5, which governs the approval of settlements, is proposed for readoption without amendment.

Subchapter 8. Contested Case Hearings

N.J.A.C. 14:1-8.1, which requires that contested cases be conducted in accordance with the procedures in the Administrative Procedure Act, N.J.S.A. 52:14B-1 and 52:14F-1, the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1, and the Board of Public Utilities Rules of Special Applicability, N.J.A.C. 1:14, is proposed for readoption without amendment.

N.J.A.C. 14:1-8.2, which provides for the filing of exceptions to the initial decision in a contested case, is proposed for readoption without amendment.

N.J.A.C. 14:1-8.3, which provides for the Board to initiate a review of the initial decision, is proposed for readoption without amendment.

N.J.A.C. 14:1-8.4, which provides for the reopening of a contested case, is proposed for readoption without amendment.

N.J.A.C. 14:1-8.5, which sets forth the content and procedure for a motion to reopen a contested case, is proposed for readoption without amendment.

N.J.A.C. 14:1-8.6, which sets forth requirements for filing motions for rehearing, reopening, or reconsideration, is proposed for readoption without amendment.

N.J.A.C. 14:1-8.7 sets forth notice requirements for motions for rehearing, reopening, and reconsideration, requires that any answer to such motions be filed within 10 days following service of the motion, provides that no action by the Board within 60 days shall be deemed a denial, and provides that the filing or granting of such motions does not stay a Board decision unless good cause is shown. The section is proposed for readoption with amendment to clarify the section heading and add a new subsection to address appeals of Board orders in accordance with court rules. This new subsection provides that appeals must be made to the Appellate Division within 45 days and clarify the rules and procedures governing an appeal.

Subchapter 9. Uncontested Case Proceedings

N.J.A.C. 14:1-9.1, which sets forth the scope of the subchapter on uncontested case proceedings, is proposed for readoption without amendment.

N.J.A.C. 14:1-9.2, which authorizes the Board to designate a hearing officer in an uncontested proceeding, is proposed for readoption without amendment.

N.J.A.C. 14:1-9.3, which sets forth requirements for filings in uncontested case proceedings, is proposed for readoption without amendment.

N.J.A.C. 14:1-9.4, which allows the use of cameras and recording devices at uncontested case proceedings, is proposed for readoption without amendment.

N.J.A.C. 14:1-9.5, which cross-references requirements for appearances found at N.J.A.C. 14:1-3, is proposed for readoption without amendment.

N.J.A.C. 14:1-9.6, which allows a three-day grace period after filings by mail, is proposed for readoption without amendment.

Subchapter 10. Compliance with Orders, Decisions, and Recommendations

N.J.A.C. 14:1-10.1, which requires a party to notify the Board of the party's compliance or noncompliance with a Board directive, is proposed for readoption without amendment.

N.J.A.C. 14:1-10.2, which requires a party to notify the Board of its acceptance or rejection of a Board recommendation, is proposed for readoption without amendment.

N.J.A.C. 14:1-10.3, which provides for extensions of time limits for compliance with a Board directive, is proposed for readoption without amendment.

N.J.A.C. 14:1-10.4, which sets a 15-day deadline for compliance with a Board directive requiring investigation, is proposed for readoption without amendment.

Subchapter 11. Reserved

This subchapter is reserved.

Subchapter 12. Procedures for Determining the Confidentiality of Submitted Information

N.J.A.C. 14:1-12.1, which sets forth the scope of the subchapter concerning the Board's procedures for determining the confidentiality of submitted information, is proposed for readoption without amendment.

N.J.A.C. 14:1-12.2, which sets forth definitions of terms used in the subchapter concerning the Board's procedures for determining the confidentiality of submitted information, is proposed for readoption without amendment.

N.J.A.C. 14:1-12.3, which sets forth the procedure for making a confidentiality claim regarding submitted information, is proposed for readoption without amendment.

N.J.A.C. 14:1-12.4, which requires a person claiming the confidentiality of submitted information to designate one person to

receive notices and correspondence from the Board's records custodian concerning the claim, is proposed for readoption without amendment.

N.J.A.C. 14:1-12.5, which requires the Board's records custodian to direct all correspondence, inquiries, and notices to the designee of the person claiming confidentiality of submitted information and provides the address of the Board's records custodian, is proposed for readoption with amendment to update the records custodian's address.

N.J.A.C. 14:1-12.6, which sets timeframes for the Board's records custodian to act on confidentiality claims, is proposed for readoption without amendment.

N.J.A.C. 14:1-12.7, which sets forth the required contents and timing of a notice to the claimant of a pending confidentiality claim, is proposed for readoption without amendment.

N.J.A.C. 14:1-12.8, which sets forth requirements for substantiating a confidentiality claim, is proposed for readoption without amendment.

N.J.A.C. 14:1-12.9, which sets forth notification and other procedural requirements following the records custodian's final confidentiality determination, is proposed for readoption without amendment.

N.J.A.C. 14:1-12.10, which requires the Board's records custodian to treat information that is claimed confidential as confidential until the custodian has made a final determination on the confidentiality claim, is proposed for readoption without amendment.

N.J.A.C. 14:1-12.11, which provides for the Board's records custodian to release information it deems not confidential, is proposed for readoption without amendment.

N.J.A.C. 14:1-12.12, which provides for the Board's records custodian to disclose confidential information to other public agencies under certain circumstances, is proposed for readoption without amendment.

N.J.A.C. 14:1-12.13, which provides for the Board's records custodian to disclose confidential information to the Board's contractors under certain circumstances, is proposed for readoption without amendment.

N.J.A.C. 14:1-12.14, which provides for the Board's records custodian to disclose confidential information to alleviate an imminent and substantial danger under certain circumstances, is proposed for readoption without amendment.

N.J.A.C. 14:1-12.15, which provides for the Board's records custodian to disclose confidential information if the claimant provides written consent, is proposed for readoption without amendment.

N.J.A.C. 14:1-12.16, which provides for the Board to use confidential information in aggregations of data under certain circumstances, is proposed for readoption without amendment.

N.J.A.C. 14:1-12.17, which provides for these rules to supersede confidentiality agreements other than Board orders, is proposed for readoption without amendment.

N.J.A.C. 14:1-12.18, which provides for payment to the Board for copies of records, is proposed for readoption with amendments to eliminate "credit card" as a payment option for copies. For the Board to offer a credit card as a payment option for copies is very expensive and administratively burdensome given the vendor fee the Board must pay per transaction for a relatively small dollar amount and the accompanying administrative cost of having an employee process the payment. However, the rule has been amended to provide that access to electronic records and non-printed materials shall be provided free of charge pursuant to N.J.S.A. 47:1A-5.b(1) of the Open Public Records Act.

As the Board has provided for a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The rules proposed for readoption with amendments will have a positive social impact in that they will continue and clarify the Board's procedures for contested and uncontested proceedings and treatment of information claimed as confidential. The proposed amendments, in addition to conforming to statutory changes, would update the rules to conform to current Board practices and provide industry, stakeholders, practitioners, and members of the general public with improved access to the Board and more orderly participation in proceedings. The rules are designed to improve transparency, simplify processes, procedures, and rules of practice and ensure orderly practice and procedure before the Board. The rules establish guidelines and specific requirements for the

filing of petitions requesting relief from the Board and other related submissions, and address the handling of all proceedings before the Board and the conduct of all affected parties. As they set forth the specific information that must be included in all filings, as well as the time frames within which said information must be submitted, these rules are essential if the Board is to process petitions in an expeditious and just manner. While the majority of matters brought before the Board are submitted by regulated public utilities, petitions are also filed by persons who have grievances against regulated public utilities or who seek other forms of relief that are within the jurisdiction of the Board.

Economic Impact

While the rules proposed for readoption with amendments impose no direct or specific costs, all petitioners and other parties will incur varying levels of expenses in preparing and litigating petitions before the Board. These expenses will include costs related to legal assistance, accounting work, engineering input, and expert witnesses, as well as expenses involved in physically preparing and filing the appropriate submissions. With regard to regulated public utilities, all reasonable levels of expenses incurred in complying with these requirements will be considered to be business expenses to be recovered through customer charges. All fees and charges associated with practice and procedure before the Board are set pursuant to statute, N.J.S.A. 48:2-56. The collection of these fees and charges, however, is inapplicable to public utilities, which are subject to assessment pursuant to law, N.J.S.A. 48:2-72.

Finally, none of the proposed amendments will have an adverse economic impact, beyond that mentioned above.

Federal Standards Statement

N.J.S.A. 52:14B-22 through 24 requires State agencies that adopt, readopt, or amend State rules that exceed any Federal standards or requirements to include in the rulemaking document a Federal standards analysis. N.J.A.C. 14:1 is not promulgated under the authority of, or in order to implement, comply with, or participate in any program established pursuant to Federal law or pursuant to a State statute that incorporates or refers to Federal law, Federal standards, or Federal requirements. Accordingly, N.J.S.A. 52:14B-1 et seq., does not require a Federal standards analysis for the rules proposed for readoption with amendments.

Jobs Impact

The Board anticipates that the rules proposed for readoption with amendments will have little or no impact on jobs in New Jersey. The rules proposed for readoption with amendments continue existing requirements for which any needed personnel are already in place. The rules proposed for readoption with amendments do not increase the number of employees that would be required by any of the entities regulated by the rules.

Agriculture Industry Impact

N.J.A.C. 14:1 has not, to date, had any impact on the agriculture industry in New Jersey, and no such impact is anticipated as a result of the rules proposed for readoption with amendments.

Regulatory Flexibility Analysis

The rules proposed for readoption with amendments at N.J.A.C. 14:1 will impose some recordkeeping, reporting, or other compliance requirements on small businesses; however, the Board does not anticipate significant new compliance costs as a result of the proposed amendments to this chapter. Several changes made to this chapter will likely lower costs on small businesses compared to previous versions of this chapter by requiring fewer copies of filed documents and emphasizing electronic filing. A small business, as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., is a business that has fewer than 100 full-time employees. As these rules apply to any person initiating or participating in proceedings before the Board, the rules will undoubtedly affect some small businesses. However, it is impossible to determine how many small businesses will be affected.

While the rules impose some minor reporting, recordkeeping, and compliance requirements, as discussed in the Summary above, these are generally simple requirements that provide for predictability and consistency in the Board's proceedings and, therefore, ultimately benefit all affected persons, including small businesses. Furthermore, the

procedures help to protect parties to Board proceedings by ensuring notice of filings by other parties, and protection of the confidentiality of submitted information. Therefore, no special provisions for small businesses have been proposed.

To varying degrees, participants may choose to utilize professional services to assist in the preparation, filing, or litigation of matters before the Board. These services may include legal, accounting, engineering, and economic advisers. As previously indicated, all reasonable levels of expenses incurred by a public utility will be considered to be business expenses that may be recovered through rates to customers.

Housing Affordability Impact Analysis

The rules proposed for readoption with amendments will have no impact on the affordability of housing in New Jersey and will not evoke a change in the average costs associated with housing because the rules pertain to the rules of practice and procedure before the Board of Public Utilities.

Smart Growth Development Impact Analysis

The Board anticipates that the rules proposed for readoption with amendments will have no impact on smart growth, and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan because the rules pertain to the rules of practice and procedure before the Board of Public Utilities.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The proposed readoption with amendments will not have an impact on pretrial detention, sentencing, probation, and parole policies concerning adults and juveniles in New Jersey. Accordingly, no further analysis is required.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 14:1.

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

14:1-1.2 Construction and amendment

(a) (No change.)

(b) In special cases and for good cause shown, the Board may, unless otherwise specifically stated, relax or permit deviations from [these rules] **this chapter**.

1. (No change.)

2. Any person or entity seeking waiver of any of the Board's rules or parts thereof[,] shall apply, in writing, **or electronically, through email**, to the Secretary of the Board. A [written] request for waiver shall include the following:

i.-iii. (No change.)

3. (No change.)

(c) (No change.)

14:1-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

...

“Electronically filed” means submitted to the Board Secretary through the Board’s External Access Portal, <https://www.nj.gov/bpu/agenda/efiling/>, or emailed to Board.Secretary@bpu.nj.gov.

...

14:1-1.4 Offices and hours

(a) The statutory office of the Board and the [office of the] Secretary [of the Board] are located at 44 South Clinton Avenue, [9th Floor,] PO Box 350, Trenton, New Jersey 08625-0350.

(b)-(c) (No change.)

14:1-1.6 Communications

(a) All communications, including formal pleadings, correspondence and other papers, shall be [addressed] **submitted to the Board Secretary by email, filed electronically through the Board’s External Access**

Portal, hand delivered, or mailed to the Secretary, Board of Public Utilities, 44 South Clinton Avenue, [9th Floor,] PO Box 350, Trenton, New Jersey 08625-0350.

(b) All communications, except for comments on rule proposals, or other communications specifically exempted by rule, or by waiver[,] pursuant to N.J.A.C. 14:1-1.2(b), shall be deemed to be officially received when [delivered] **submitted to the Board Secretary by email, filed electronically through the Board's External Access Portal, or the postmarked date of the communication, if mailed to the Secretary** at the office [of the Board or electronically pursuant to N.J.A.C. 14:1-4.2A, but a Commissioner or the] **address listed at (a) above. The Secretary** [or an Assistant Secretary of the Board] may, in his or her discretion, receive **by hand delivery** papers and correspondence for filing. [Comments on rule proposals shall be deemed to be officially received in accordance with N.J.A.C. 14:1-1.6A.]

(c) In a formal proceeding, a document submitted via fax or electronically will neither be date/time stamped as formally received by the Board nor be entered into the case or rulemaking record, except as provided under N.J.A.C. 14:1-1.6A or 4.2A or otherwise permitted by order of the Board or a presiding Commissioner. Such documents shall only be distributed to the addressee.]

14:1-1.6A Submittal of comments on rule proposals

(a)-(b) (No change.)

(c) Comments on rule proposals shall be [submitted by e-mail, hand delivery,] **filed electronically through the Board's External Access Portal; uploaded through the Board's Public Document Search tool; emailed to Board.Secretary@bpu.nj.gov; or sent by hand delivery or regular mail, on or before the date identified in the rule proposal published in the New Jersey Register. All electronically filed documents shall be submitted in Microsoft Word or PDF format with text that is searchable and able to be copied and pasted.**

(d) Comments submitted by e-mail shall be sent to the e-mail address specified in the rule proposal. E-mail comments shall be submitted in Microsoft Word format, or in PDF format with searchable text and cut and paste capability.

(e) Rule proposal comments shall not be subject to the requirements for number of copies at N.J.A.C. 14:1-4.2. If rule proposal comments are submitted by hand delivery or regular mail, the Board requests, but does not require, that the commenter submit an original and five copies of the comments.]

[(f)] (d) The date upon which a comment on a rule proposal shall be deemed received shall be, as follows:

1. The date upon which the Board receives the comment at the [e-mail] **email address set forth in the published proposal[,] or, if electronically filed, the date of submission;**

2. The date upon which the comment is hand delivered [to Board offices, to a Commissioner, or] to the Secretary; or

3. (No change.)

14:1-1.7 Official records

(a) (No change.)

(b) Copies of rules and orders and decisions of the Board will be furnished by the Secretary **by email or by regular mail** upon payment of appropriate fees.

(c) Copies of official Board annual reports or other reports will be furnished by the Secretary, or its designee, **by email or by regular mail** upon payment of appropriate fees.

(d) (No change.)

14:1-1.8 Cameras and recording devices

(a) Proceedings before the Board shall be conducted with [fitting dignity and] **proper** decorum.

(b)-(g) (No change.)

SUBCHAPTER 2. FEES AND CHARGES

14:1-2.2 Payment of fees and charges

(a) No petition, report, notice, **or other** document [,or other paper] will be accepted for filing, and no request for **hard** copies of any forms, pamphlets, **or** documents [or other papers] will be granted, nor action

taken by the Board, unless such filings and requests are accompanied by the required fees or charges, as provided by law.

(b) All checks for payment of such fees and charges shall be made payable to the order of "Treasurer, State of New Jersey" and delivered or mailed to the Secretary of the Board, or [its] designee, 44 South Clinton Avenue, [9th Floor,] PO Box 350, Trenton, New Jersey 08625-0350. The check shall include a description as to the nature of the payment.

SUBCHAPTER 3. APPEARANCE BEFORE THE BOARD

14:1-3.1 Appearances

Any person appearing before or transacting business with the Board in a representative capacity may be required by the Board to file evidence of his or her authority to act in such capacity, **subject to the provisions at N.J.A.C. 1:1-5.1, 5.2, and 5.4.**

14:1-3.3 Former employees

(a) [Except with the written permission of the Board, no] **No** former member or employee of the Board of Public Utilities or member of the Attorney General's [staff] **Office** assigned to the Board of Public Utilities may appear **before the Board or engage with Board staff** in a representative capacity **by writing letters, sending emails, making phone calls, making physical appearances, or serving as an expert witness, on behalf of [other parties] any third-party, except for the State or a third-party engaged by the Board of Public Utilities to perform work on its behalf under its control and direction,** at any time within six months after [severing his or her association with] **separation from** the Board[, nor may he or she appear after said six-month period in any proceeding wherein he or she previously took an active part when associated with the Board] **of Public Utilities or the Office of the Attorney General.**

(b) **After the expiration of the six-month period, no former member or employee of the Board of Public Utilities or member of the Attorney General's Office assigned to the Board of Public Utilities may appear in a representative capacity, by writing letters, sending emails, making phone calls, making physical appearances, or serving as an expert witness, on behalf of any third-party, except for the State or a third-party engaged by the Board of Public Utilities to perform work on its behalf and under its control and direction, at any time in any specific cause, proceeding, application, or matter wherein the former employee or member had direct and substantial involvement while associated with the Board of Public Utilities.**

SUBCHAPTER 4. PLEADINGS

14:1-4.2 Number of copies

(a) Unless otherwise required by the Board, there shall be filed with the Board for its own use, an original and [10] **one** conformed [copies] **copy** of each pleading or other [paper] **document** and amendment thereof, [and in addition an electronic version of each filing, proceeding or other paper and amendment thereof] **when filed by hard copy.**

(b) (No change.)

14:1-4.2A Electronic filing

(a) The filing requirements of this subchapter shall not apply to any electronically filed pleading or other [paper] **document** and amendment thereof submitted [pursuant to an] **through the** electronic filing program established by the Board.

(b) The requirements of [any] **the** electronic filing program established by the Board shall include, but not be limited to:

1. (No change.)

2. Electronically submitted documents shall be deemed as officially filed upon submission; **and**

3. Any portion of the filing submitted by hard copy shall be subject to the provisions [of] **at** N.J.A.C. 14:1-4.2[; and].

[4. The electronic filing shall not affect the requirement to serve a hard copy of all pleadings to the Division of Law and Public Safety or the Division of Rate Counsel pursuant to N.J.A.C. 14:1-5.12(b)2 or any other filing or service requirements set forth in the Board's rules in this chapter or at N.J.A.C. 14:17.]

14:1-4.3 Attachments to pleadings

(a) All balance sheets, income statements, and journal entries submitted with pleadings must conform to the applicable Uniform System of Accounts.

(b) **This section shall not apply to entities exempted by the Federal Communications Commission from using the Uniform System of Accounts as specified at N.J.A.C. 14:10-1A.13.**

SUBCHAPTER 5. PETITIONS

14:1-5.2 Applications to other regulatory bodies

(a) Where the relief sought in a petition also requires the approval or authorization of any other State or Federal regulatory body, the petition to the Board shall so state and include the following:

1.-2. (No change.)

3. If such an application or amendment thereof is filed with another State or Federal regulatory body subsequent to the date of filing with the Board but prior to its determination, [three copies] **a copy** of such application or amendment thereof, together with [three copies] **a copy** of any order or certificate issued relating thereto, shall be filed with the Board and served upon other parties of record.

14:1-5.6 Petitions for the approval of the sale or lease of property

(a) Petitions for the approval of the sale, conveyance, or lease of real or personal property, or the granting of an easement, or like interest therein as required by law shall conform to the provisions [of] **at N.J.A.C. 14:1-4, [and] 5.1 [through], 5.2, 5.3, and 5.4** to the extent applicable, and shall, in the body thereof, or in attached exhibits, also provide the following information:

1. [Ten copies] **An original and one copy** of a separate sheet or sheets designated Schedule "A" containing a description of the property;

i.-ii. (No change.)

2.-15. (No change.)

(b)-(h) (No change.)

(i) Upon [written] request by a utility, and in accordance with the general purposes and intent of this section, the Board shall grant said utility a waiver to the advertising requirement set [out in] **forth at (b) above**, if:

1.-7. (No change.)

(j)-(k) (No change.)

14:1-5.9 Petitions for authority to issue stocks, bonds, notes, other evidence of indebtedness, or to execute mortgages

(a) Petitions for authority to issue any stocks, bonds, notes, or other evidence of indebtedness, payable in more than one year from the date thereof, and to execute mortgages shall conform to the provisions [of] **at N.J.A.C. 14:1-4, [and 14:1-]5.1 [through], 5.2, 5.3, and 5.4**, to the extent applicable, and shall in the body thereof, or in the attached exhibits, provide the following information:

1.-5. (No change.)

6. Where one of the purposes is to reimburse the treasury for expenditures not [theretofore] **previously** capitalized by the issuance of securities, the petitioner shall also show the exact period and amount for which reimbursement is desired; comparative financial statements [which] **that** shall include, [as] **at** a minimum, balance sheets and utility plant by accounts as at the beginning and end of the period, as well as changes in the period, and, in the case of utility plant, additions and retirements shall be stated separately for each year; a statement indicating the source and application of funds during the period; a statement indicating the manner in which **the** petitioner proposes to use the proceeds from the security issue; and the necessity and reasonableness of the proposed transaction;

7.-14. (No change.)

(b) (No change.)

14:1-5.9A Criteria for proposed security issues

(a) The [law at present casts upon the] Board [the responsibility of determining] **shall determine** what security issues may be made by public utilities in the State of New Jersey (N.J.S.A. 48:3-9). The Board, after [due hearing, or investigation, is required to] **investigation, including a hearing at the Board's discretion, shall** approve proposed security issues; provided, the Board [be] **is** satisfied that proposed issues are in

accordance with law, and provided the Board approves the purpose of said proposed issues.

[(b) So far as the Board's approval of the purpose of a proposed security issue is concerned, the Board is already on record to the following effect:

"The term 'purpose', in the opinion of the Board, cannot and ought not narrowly be confined merely to the corporation's intention to procure or pay for property, materials and services with the proceeds of the securities intended to be issued. The powers and responsibilities of the Board in this respect are no less ample than may fairly be inferred from the spacious term 'purpose' advisedly incorporated in the Statute." (Memorandum dated July 7, 1911. In the matter of the Application of the Riverside Traction Company for Leave to Issue, Sell and Deliver Bonds, and so forth)]

[(c)] (b) Various cases involving the approval of proposed security issues have been acted upon by the Board [under the] **pursuant to** law. An analysis of many of these cases discloses certain general principles upon which these applications should be determined. These general principles will control unless and until good reason can be shown for departing therefrom. For the information of public utilities petitioning or intending to petition for the approval of security issues, certain of these general principles are set forth, as follows:

1. (No change.)

2. The purpose of a proposed issue is not commendable[,] and will not carry the Board's approval where the issue, if approved, would result in an evasion of mandatory statutory provisions governing the issue, sale, and delivery of securities. [Thus in the case of the Riverside Traction Company, cited in (b) above, the purpose of a proposed bond issue was held vitiated by the fact that said bond issue, if approved, would defer for a time or indefinitely postpone an assessment for an unpaid percentage of the face value of the stock issued and outstanding.]

3.-9. (No change.)

14:1-5.11 Tariff filings which do not propose increases in charges to customers

(a) Tariff filings for the purpose of making effective initial tariffs or revisions, changes, or alterations of existing tariffs; and which are not filed because of the need for additional revenue from products or services covered by existing tariffs; and which do not propose increases in charges to customers, shall conform to the provisions [of] **at N.J.A.C. [14:1-4 and N.J.A.C. 14:1-5.1 through] 14:1-4.2A, 5.1, 5.2, 5.3, and 5.4**, to the extent applicable, and shall, in the body thereof, or in attached exhibits, also provide the following information:

1. [Four copies of the] **The** proposed tariff or revision, change, or alteration thereof, together with an explanation of the manner in which the tariff or change differs from the existing or prior tariff, and the effect, if any, upon revenue;

2.-5. (No change.)

14:1-5.12 Tariff filings or petitions that propose increases in charges to customers

(a) Tariff filings or petitions for the purpose of making effective or making revisions, changes, or alterations of existing tariffs; **and** which propose to increase any rate, fare, toll, rental, or charge [or so] to alter any classification, practice, rule, or regulation as to result in such an increase, other than filings to effectuate the operation of an existing fuel or raw materials adjustment clause, shall conform to the provisions [of] **at N.J.A.C. [14:1-4 and N.J.A.C. 14:1-5.1 through] 14:1-4.2A, 5.1, 5.2, 5.3, and 5.4**, to the extent applicable[.]; and shall in the body thereof, or in attached exhibits, contain all applicable information and data set forth [in] **at N.J.A.C. 14:1-5.11**; and, in addition, shall contain the following information and financial statements, which shall be prepared in accordance with the applicable Uniform System of Accounts:

1.-6. (No change.)

[7. Whenever a telephone company seeks to increase its rates, it shall include in its petition or attachments thereto information demonstrating the principles of rate design employed in the proposed tariff revisions. Such information shall identify the approximate percentage of increased revenue requirement, should the Board determine a lesser additional revenue requirement than that sought by the company, at which it would derive a different proportion of revenue requirement from each of the

major classes of service whose prices are sought to be increased, and the revenue requirement by class at each such level. The information shall include a statement of the amount and percentage of increase which would be raised from each such class of service if relief of approximately one-third the request were approved by the Board;]

[8.] 7. In providing the information required [by] at (a)5[,] and 6 [and 7] above, a company may also file, in addition to the new rates proposed to become effective, alternative rate changes designed to produce the full revenue request, which alternatives are illustrative of the application of other possible rate designs to the filing;

[9.] 8. An itemized schedule showing all payments or accruals to affiliated companies or organizations and to those who own in excess of five percent of the utility's capital stock regardless of the form or manner in which such charges are paid or accrued and an explanation of the service performed for such charges; [and]

[10.] 9. A copy of the form of notice to customers[.]; and

[11.] 10. If a company is part of a family of companies that files a consolidated Federal income tax return, that company shall include in its petition a consolidated tax adjustment (CTA) calculation using the rate base method, which allows the parent company to keep certain tax savings, while requiring the petitioner to reflect the savings by reducing the rate base upon which the utility's return is determined. The CTA calculation must include all supporting information and documents necessary for the Board to determine and implement an appropriate CTA calculation pursuant to this section. A CTA provides a mechanism that the Board will utilize in rate cases, so that ratepayers should share a specified portion of the tax savings achieved from the filing of a consolidated tax return. Required information and supporting documents include, but are not limited to, a schedule showing each affiliate company's taxable income/loss by year, an indication whether the affiliate is a regulated utility company or not, the statutory Federal income tax requirement for each year, if any, and the alternative minimum tax requirement for each year, if any. The review period for the CTA calculation shall be for five consecutive tax years, including the complete tax year within the utility's proposed test year. The calculated CTA shall be allocated, so that the rate base [may] shall be reduced by [up to 25] 100 percent of the full CTA. The transmission portion of an electric distribution company's income shall not be included in the calculation of CTA.

(b) Each utility that makes a filing [under] pursuant to (a) above shall, unless otherwise ordered or permitted by the Board, give notice thereof, as follows:

1. Serve a notice of the filing and a copy of the proposed tariff or a copy of the petition or a statement of the effect of the proposed filing upon the municipal clerk in each of the municipalities in which there is rendered a service, the charge for which is proposed to be increased, the clerk of the Board of [Chosen Freeholders] County Commissioners of each affected county and, where appropriate, the executive officer of each affected county;

2. Serve a notice of the filing and two copies of the petition or tariff on the Department of Law and Public Safety, [124 Halsey Street, P.O. Box 45029, Newark, New Jersey 07101] Division of Law, Public Utilities Section, R.J. Hughes Justice Complex, 25 Market St., 7th Floor West, PO Box 112, Trenton, NJ 08625 and on the Director, Division of Rate Counsel, 140 East Front Street, 4th Floor, [P.O.] PO Box 003, Trenton, New Jersey 08625;

3. (No change.)

(c)-(e) (No change.)

(f) Unless otherwise ordered by the Board, a utility that seeks to implement a provisional rate increase shall:

1. Serve written notice of the intended provisional rate increase at least 30 days in advance of the provisional rate increase, but not earlier than 75 days in advance of the provisional rate increase, upon:

i. ii. (No change.)

iii. The Department of Law and Public Safety, Public Utilities Section, [124 Halsey Street, PO Box 45029, Newark, New Jersey 07101] 25 Market Street, PO Box 112, Trenton, NJ 08625;

iv. (No change.)

v. The clerk of the [board of chosen freeholders] Board of County Commissioners of each county where the utility renders service;

vi. ix. (No change.)

2.-4. (No change.)

(g)-(k) (No change.)

14:1-5.13 Informal complaint in lieu of petition

(a) In lieu of filing a petition, an informal complaint may be made by letter, [e-mail, fax or other writing;] email, electronic filing, or [by] telephone [call].

(b)-(i) (No change.)

SUBCHAPTER 8. CONTESTED CASE HEARINGS

14:1-8.7 Motions and answers on rehearing, reopening, or reconsideration

(a)-(d) (No change.)

(e) Appeals of the Board's rulings on a motion for rehearing, reopening, or reconsideration must be made to the Appellate Division within 45 days of the Board's Order. The Rules Governing the Courts of the State of New Jersey provide the rules and procedures for filing the appeal. Information regarding filing an appeal may be obtained from the Superior Court of the State of New Jersey.

SUBCHAPTER 12. PROCEDURES FOR DETERMINING THE CONFIDENTIALITY OF SUBMITTED INFORMATION

14:1-12.5 Correspondence, inquiries, and notices

(a) (No change.)

(b) A claimant shall direct all correspondence, inquiries, notices, and submissions concerning confidentiality claims [under] pursuant to this subchapter to the custodian at:

Records Custodian
New Jersey Board of Public Utilities
44 South Clinton Avenue[, 9th Floor]
PO Box 350
Trenton, New Jersey 08625-0350

14:1-12.18 Payment for copies

(a) (No change.)

(b) For the convenience of the requester, payment may be made in cash, by check[,] or money order [or credit card]. Access to electronic records and non-printed materials shall be provided free of charge pursuant to N.J.S.A. 47:1A-5.b(1) of the Open Public Records Act.

TRANSPORTATION

(a)

MOTOR VEHICLE COMMISSION

Commercial Driver Licensing

Proposed Amendments: N.J.A.C. 13:21-23.1, 23.24, and 23.28

Authorized By: Latrecia Littles-Floyd, Acting Chair and Chief Administrator, Motor Vehicle Commission.

Authority: N.J.S.A. 39:3-10.20, 39:3-10.27, 39:2A-21, and 39:2A-28; and 49 U.S.C. §§ 31310(d) and 31311.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2022-121.

Submit written comments by November 18, 2022, to:

Emily Armstrong, APO
Attn: Legal Affairs
Motor Vehicle Commission
225 East State Street
PO Box 162
Trenton, NJ 08666-0162
or through email to: MVC.rulecomments@mvc.nj.gov

The agency proposal follows: