

## CHAPTER 63

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

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

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

Issuance of order; effective dates; service; posting on Internet; rehearing.

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

b. After the effective date of P.L.2011, c.63, the board shall issue every order in written form. If a matter is an emergency that affects public health and safety, the board may issue a temporary order on the matter orally, but shall within 14 days thereafter 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.

c. The board shall issue any written order by filing a copy thereof with the board secretary. Every written order issued by the board shall be:

(1) served upon the person or public utility affected thereby within ten days from its filing by personally delivering or by mailing a certified copy thereof in a sealed package with postage prepaid to the person affected or to an officer or agent of the public utility upon whom a summons may be served; and

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

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

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

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

Approved May 4, 2011.