

[Third Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 2165**

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**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

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ADOPTED MAY 16, 2002

**Sponsored by:**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Salem, Cumberland and Gloucester)**

**Assemblyman DOUGLAS H. FISHER**

**District 3 (Salem, Cumberland and Gloucester)**

**Assemblywoman LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

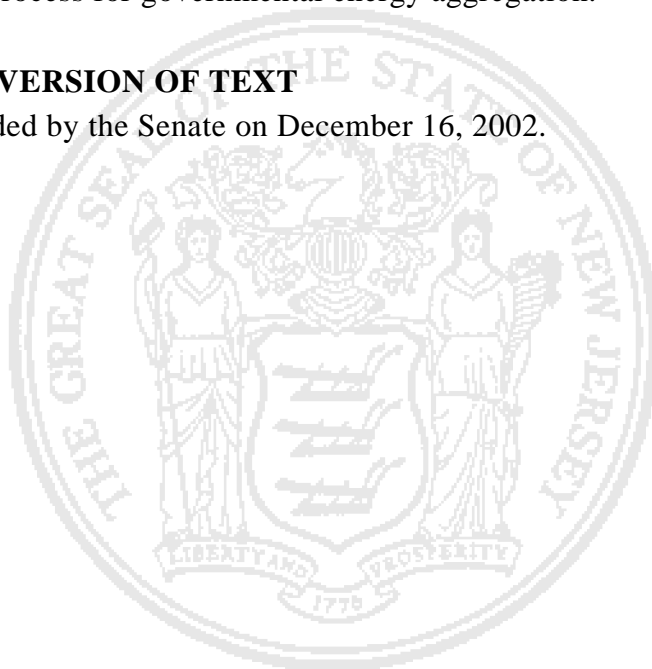
**Assemblyman Guear, Senators Sweeney and Inverso**

**SYNOPSIS**

Revises process for governmental energy aggregation.

**CURRENT VERSION OF TEXT**

As amended by the Senate on December 16, 2002.



(Sponsorship Updated As Of: 12/17/2002)

1 AN ACT concerning government energy aggregation, amending <sup>2</sup>and  
2 supplementing<sup>2</sup> P.L.1999, c.23, and repealing section 44 of  
3 P.L.1999, c.23.

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

7  
8 <sup>2</sup>1. ( New section) A government aggregator that is a municipality  
9 or a county may establish and operate a government energy  
10 aggregation program pursuant either to the provisions of the rules and  
11 regulations adopted by the Board of Public Utilities pursuant to  
12 section 2 of P.L. , c. (C. )(pending in the Legislature as this  
13 bill) or to the provisions of P.L.1999, c.23 (C.48:3-49 et seq). As  
14 used in this section "government aggregator" and "government energy  
15 aggregation program" shall have the same meaning as set forth in  
16 section 3 of P.L.1999, c.23 (C.48:3-51).<sup>2</sup>

17  
18 <sup>2</sup>2. a. (New section) The <sup>3</sup>[Board of Public Utilities shall adopt,  
19 pursuant to the]<sup>3</sup> provisions of the "Administrative Procedure Act,"  
20 P.L.1968, c.410 (C.52:14B-1 et seq.) <sup>3</sup>to the contrary  
21 notwithstanding<sup>3</sup> , <sup>3</sup>within 90 days of the effective date of P.L. , c.  
22 (C. ) (pending in the Legislature as this bill) the Board of Public  
23 Utilities shall adopt<sup>3</sup> rules and regulations authorizing an electric  
24 public utility or a gas public utility, upon the request of the governing  
25 body of a county or municipality, to assist a government aggregator  
26 that is a municipality or a county in establishing a government energy  
27 aggregation program. <sup>3</sup>The rules and regulations adopted pursuant to  
28 this section shall be effective as rules and regulations immediately  
29 upon filing with the Office of Administrative Law and shall be effective  
30 for a period not to exceed 18 months, and shall, thereafter, be  
31 amended, adopted or readopted by the board pursuant to the  
32 provisions of the "Administrative Procedure Act."<sup>3</sup> The rules and  
33 regulations adopted pursuant to this section shall set forth a process  
34 for the establishment of a government energy aggregation that (1)  
35 requires a government aggregator that is a municipality or a county to  
36 establish a government energy aggregation program by ordinance or  
37 resolution, as appropriate, and to award a contract for the government  
38 energy aggregation program to a licensed electric power supplier or  
39 licensed gas supplier pursuant to the "Local Public Contracts Law,"  
40 P.L.1971, c.198 (C.40A:11-1 et seq.)<sup>3</sup> , provided, however, that such

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:

<sup>1</sup> Assembly AAP committee amendments adopted September 19, 2002.

<sup>2</sup> Senate SEG committee amendments adopted December 12, 2002.

<sup>3</sup> Senate floor amendments adopted December 16, 2002.

1 an award may be made on the basis of the most advantageous  
2 proposal, price and other factors considered<sup>3</sup>; (2) includes residential  
3 customers on an opt-out basis prior to the solicitation of bids from a  
4 licensed electric power supplier or licensed gas supplier and non-  
5 residential customers on an opt-in basis; (3) requires an electric public  
6 utility or gas public utility, as the case may be, to notify utility  
7 customers, after the adoption of an ordinance or resolution, of the  
8 proposed government energy aggregation program and of the  
9 customer's right to decline to participate in the program; (4) requires  
10 an electric public utility or a gas public utility, as the case may be, to  
11 provide appropriate customer information to a government aggregator  
12 that is a municipality or a county after the government aggregator has  
13 awarded a contract for a government energy aggregation program to  
14 a licensed electric power supplier or licensed gas supplier, as the case  
15 may be; (5) provides that an electric public utility or a gas public  
16 utility shall exercise reasonable care in the disclosure of customer  
17 information pursuant to this section but shall not be responsible for  
18 errors <sup>3</sup>[of] or<sup>3</sup> omissions in the preparation or the content of the  
19 customer information; (6) provides that an electric public utility or gas  
20 public utility shall not disclose to any governing body, licensed electric  
21 power supplier or licensed gas supplier the name, load profile, or any  
22 other customer information about a non-residential customer prior to  
23 that non-residential customer opting in to the government energy  
24 aggregation program; and (7) authorizes electric public utilities and  
25 gas public utilities to prioritize requests made by governing bodies  
26 pursuant to this section.

27 b. The rules and regulations adopted by the board pursuant to this  
28 section shall provide for the recovery by an electric public utility or a  
29 gas public utility of all reasonable costs incurred by the electric public  
30 utility or gas public utility in implementing a government energy  
31 aggregation and all reasonable costs incurred in assisting a governing  
32 body considering a government energy aggregation program. The  
33 rules and regulations shall provide that the costs allowed to be  
34 recovered pursuant to this subsection shall be recovered on a timely  
35 basis from the governing body or government energy aggregator that  
36 is a municipality or a county, as the case may be. No electric public  
37 utility or gas public utility shall be required to seek recovery of costs  
38 for a government energy aggregation program or costs for assisting  
39 a governing body considering a government energy aggregation  
40 program from the electric public utility's or gas public utility's  
41 shareholders or ratepayers.

42 c. As used in this section "government aggregator," "government  
43 energy aggregation program," "electric power supplier" and " gas  
44 supplier" shall have the same meaning as set forth in section 3 of  
45 P.L.1999, c.23 (C.48:3-51).<sup>2</sup>

1           <sup>2</sup>[1.] 3.<sup>2</sup> Section 36 of P.L.1999, c.23 (C.48:3-85) is amended to  
2 read as follows:

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

19           (1) Contract standards shall include, but not be limited to,  
20 requirements that electric power supply contracts or gas supply  
21 contracts must conspicuously disclose the duration of the contract;  
22 state the price per kilowatt hour or per therm or other pricing  
23 determinant approved by the board; have the customer's written  
24 signature; the customer's electronic signature; an audio recording of  
25 a telephone call initiated by the customer; independent, third-party  
26 verification, in accordance with section 37 of P.L.1999, c.23  
27 (C.48:3-86), of a telephone call initiated by an electric power supplier,  
28 gas supplier or private aggregator; or such alternative forms of  
29 verification as the board, in consultation with the Division of  
30 Consumer Affairs, may permit for switching electric power suppliers  
31 or gas suppliers and for contract renewal; and include termination  
32 procedures, notice of any fees, and toll-free or local telephone  
33 numbers for the electric power supplier or gas supplier and for the  
34 board.

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

42           (3) Advertising standards for electric power suppliers or gas  
43 suppliers shall provide, at a minimum, that optional charges to the  
44 consumer will not be added to any advertised cost per kilowatt hour  
45 or per therm, and that the only unit of measurement that may be used  
46 in advertisements is cost per kilowatt hour or per therm, unless

1 otherwise approved by the board. If an electric power supplier or gas  
2 supplier does not advertise using cost per kilowatt hour or per therm,  
3 the electric power supplier or gas supplier shall provide, at the  
4 consumer's request, an estimate of the cost per kilowatt hour or per  
5 therm. Any optional charges to the consumer shall be identified  
6 separately and denoted as optional.

7 (4) Credit standards shall include, at a minimum, that the credit  
8 requirements used to make offer decisions must be the same for all  
9 residential customers and that electric power suppliers, gas suppliers  
10 and private aggregators not impose unreasonable income or credit  
11 requirements.

12 (5) Billing standards shall include, at a minimum, provisions  
13 prohibiting electric public utilities, gas public utilities, electric power  
14 suppliers and gas suppliers from charging a fee to residential  
15 customers for either the commencement or termination of electric  
16 generation service or gas supply service.

17 b. (1) <sup>2</sup>[An] Except as provided in paragraph (2) of this  
18 subsection, an<sup>2</sup> electric power supplier, a gas supplier, an electric  
19 public utility, and a gas public utility shall not disclose, sell or transfer  
20 individual proprietary information, including, but not limited to, a  
21 customer's name, address, telephone number, energy usage and electric  
22 power payment history, to a third party without the <sup>1</sup>[written]<sup>1</sup>  
23 consent of the customer <sup>2</sup>[, provided, however, that a customer's  
24 name, address and current electric power supplier or gas supplier or  
25 electric or gas public utility, may be so conveyed to an electric power  
26 supplier, a gas supplier, an energy agent, a government aggregator that  
27 is a municipality, or any combination thereof, without such consent,  
28 for the purposes of entering into a municipal aggregation contract  
29 pursuant to sections 42, 43 and 45 of P.L.1999, c.23 (C.48:3-91 et  
30 al)]<sup>2</sup>.

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

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

13 (b) An electric public utility or a gas public utility disclosing  
14 customer information pursuant to this paragraph shall exercise  
15 reasonable care in the preparation of this customer information, but  
16 shall not be responsible for errors <sup>3</sup>[of] or<sup>3</sup> omissions in the  
17 preparation or the content of the customer information.

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

23 (d) The role of an electric public utility or a gas public utility in a  
24 government energy aggregation program established pursuant to  
25 P.L.1999, c. 23 shall be limited to the provisions of this paragraph.<sup>2</sup>

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

36 <sup>2</sup>[(3)] (4)<sup>2</sup> Notwithstanding any provisions of the "Administrative  
37 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary,  
38 the board shall, within 90 days of the effective date of P.L. , c.  
39 (C. ) (now before the Legislature as this bill), review existing  
40 regulations including, without limitation, Chapter 4 of Title 14 of the  
41 New Jersey Administrative Code (Energy Competition Standards), to  
42 determine their consistency with the provisions of <sup>2</sup>[paragraph (1) of  
43 subsection b. of this]<sup>2</sup> section <sup>2</sup>36 of P.L.1999, c.23 (C.48:3-85),  
44 section 43 of P.L.1999, c.23 (C.48:3-92) and section 45 of P.L.1999,  
45 c.23 (C.48:3-94)<sup>2</sup>, shall repeal or modify any regulations that are  
46 inconsistent with the provisions thereof and shall adopt regulations and

1 standards implementing the provisions thereof permitting disclosure of  
2 customer information without the consent of the customer including,  
3 without limitation, provisions for the development of a board-  
4 approved agreement between the disclosing party and the receiving  
5 party and the creation of a mechanism for the recovery by the  
6 disclosing electric public utility or gas public utility of its reasonable  
7 incremental costs of providing such information <sup>2</sup>if such costs are not  
8 covered in an existing third party supplier agreement<sup>2</sup>.

9 [(2)] <sup>2</sup>[(4)] (5)<sup>2</sup> An electric power supplier, a gas supplier, a gas  
10 public utility or an electric public utility may use individual proprietary  
11 information that it has obtained by virtue of its provision of electric  
12 generation service, electric related service, gas supply service or gas  
13 related service to:

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

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

18 (c) Protect consumers of such services and other electric power  
19 suppliers, gas suppliers or electric and gas public utilities from  
20 fraudulent, abusive or unlawful use of, or subscription to, such  
21 services.

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

26 d. The board, in consultation with the Division of Consumer  
27 Affairs in the Department of Law and Public Safety, shall establish, or  
28 cause to be established, a multi-lingual electric and gas consumer  
29 education program. The goal of the consumer education program shall  
30 be to educate residential, small business, and special needs consumers  
31 about the implications for consumers of the restructuring of the  
32 electric power and gas industries. The consumer education program  
33 shall include, but need not be limited to, the dissemination of  
34 information to enable consumers to make informed choices among  
35 available electricity and gas services and suppliers, <sup>3</sup>[notification of  
36 residential electric and gas customers of the right to submit their  
37 names to the board pursuant to paragraph (1) of subsection e. of this  
38 section.]<sup>3</sup> and the communication to consumers of the consumer  
39 protection provisions of this act.

40 The board shall ensure the neutrality of the content and message  
41 of advertisements and materials.

42 The board shall promulgate standards for the recovery of consumer  
43 education program costs from customers which include reasonable  
44 measures and criteria to judge the success of the program in enhancing  
45 customer understanding of retail choice.

1 e. <sup>2</sup>[(1) Residential electric or gas customers may submit their  
2 names in writing to the board for inclusion on a list established by the  
3 board of customers not wanting to receive telephone solicitations by  
4 electric power suppliers, gas suppliers or private aggregators.

5 (2) As a condition of licensing, pursuant to standards adopted by  
6 the board, an electric power supplier, gas supplier or private  
7 aggregator shall not engage in telephone solicitation of any residential  
8 electric or gas customer, as appropriate, whose name is on the list  
9 established by the board, pursuant to paragraph (1) of this  
10 subsection.](Deleted by amendment, P.L. \_\_, c. \_\_)<sup>2</sup>  
11 (cf: P.L.2001, c.242, s.2)

12

13 <sup>2</sup>[2.] 4.<sup>2</sup> Section 43 of P.L.1999, c.23 (C.48:3-92) is amended to  
14 read as follows:

15 43. Government energy aggregation programs shall be subject to  
16 the following provisions:

17 a. A contract between a government aggregator and a licensed  
18 electric power supplier or licensed gas supplier shall include the  
19 following provisions:

20 (1) The specific responsibilities of the government aggregator and  
21 the licensed electric power supplier or licensed gas supplier;

22 (2) The charges, rates, fees, or formulas to be used to determine  
23 the charges, rates or fees, to be charged to the energy consumers  
24 electing to receive electric generation service or gas supply service  
25 pursuant to the government energy aggregation program;

26 (3) The method and procedures to be followed by the licensed  
27 electric power supplier or licensed gas supplier to [solicit the  
28 affirmative and voluntary written consent of the consumer to  
29 participate in the government energy aggregation program including,  
30 but not necessarily limited to, mechanisms to] enroll and educate  
31 energy consumers concerning the provisions of the aggregation  
32 program;

33 (4) The proposed terms and conditions of a standard contract  
34 between energy consumers and the licensed electric power supplier or  
35 licensed gas supplier including, but not necessarily limited to:

36 (a) The allocation of the risks in connection with the provision of  
37 such services between the licensed electric power supplier or licensed  
38 gas supplier and the energy consumers receiving such services;

39 (b) The terms of the proposed contract;

40 (c) The allocation of the risks associated with circumstances or  
41 occurrences beyond the control of the parties to the contract;

42 (d) Default and remedies; and

43 (e) The allocation of any penalties that may be imposed by any  
44 electric public utility or gas public utility as a result of over-delivery  
45 of electricity or gas, under-delivery of electricity or gas, or  
46 non-performance by the licensed electric power supplier or licensed



1 gas supplier;

2 (5) The use of government aggregator resources, equipment,  
3 systems or employees in connection with such services;

4 (6) The term of the contract with the government aggregator;

5 (7) A provision indemnifying and holding the government  
6 aggregator harmless from all liabilities, damages and costs associated  
7 with any contract between a resident of the government aggregator  
8 and the licensed electric power supplier or licensed gas supplier;

9 (8) The requirements for the provision of a performance bond by  
10 the licensed electric power supplier or licensed gas supplier, if so  
11 required by the government aggregator;

12 (9) Procedures to ensure that participation in the aggregation  
13 program is <sup>1</sup>[the result of an affirmative choice by energy  
14 consumers]<sup>1</sup>[, as evidenced by a written signature,] <sup>1</sup>[and is]<sup>1</sup>  
15 consistent <sup>1</sup>with the provisions of this act and<sup>1</sup> with rules and  
16 regulations adopted by the board;

17 (10) Terms and conditions applicable to consumer protection as  
18 provided in rules and regulations adopted by the board, in consultation  
19 with the Division of Consumer Affairs in the Department of Law and  
20 Public Safety; <sup>2</sup>[and]

21 (11) A requirement that certain communications between a  
22 licensed electric power supplier and a licensed gas supplier and a  
23 customer be in a non-English language, as appropriate; and<sup>2</sup>

24 <sup>2</sup>[(11)] (12)<sup>2</sup> Such other terms and conditions as the government  
25 aggregator deems necessary.

26 b. The award of a contract for a government energy aggregation  
27 program shall be based on the most advantageous <sup>1</sup>proposal<sup>1</sup>, price  
28 and other factors considered. The governing body shall only award a  
29 contract for service to residential customers where the rate is <sup>1</sup>the  
30 same as or<sup>1</sup> lower than <sup>2</sup>[that guaranteed by the State-mandated rate  
31 reductions pursuant to section 4 of this act and]<sup>2</sup> the price of basic  
32 generation service pursuant to section 9 of <sup>2</sup>[this act] P.L.1999, c.23  
33 (C.48:3-57), plus the pro-rata value of the cost of compliance with  
34 the renewable energy portfolio standards imposed pursuant to this act  
35 derived from a non-utility generation contract with an electric public  
36 utility and transferred by the electric public utility to a supplier of basic  
37 generation service or basic gas supply service pursuant to section 10  
38 of P.L.1999, c.23 (C.48:3-58)<sup>2</sup>, as determined by the board. <sup>2</sup>The  
39 governing body may award a contract for electric generation service  
40 where the rate is higher than the price of basic generation service as  
41 determined by the board pursuant to section 9 of P.L.1999, c.23, plus  
42 the pro-rata value of the cost of compliance with the renewable energy  
43 portfolio standards imposed pursuant to this act derived from a non-  
44 utility generation contract with an electric public utility and transferred  
45 by the electric public utility to a supplier of basic generation service,  
46 provided that the award is for electricity <sup>3</sup>the percentage of which<sup>3</sup>

1 that is derived from verifiable Class I or Class II renewable energy as  
2 defined pursuant to section 3 of P.L.1999, c.23 (C.48:3-51) <sup>3</sup>is greater  
3 than the percentage of Class I and Class II renewable energy required  
4 pursuant to subsection d. of section 38 of P.L.1999, c.23 (C.48:3-87)<sup>3</sup>  
5 , and that the customers are informed, in a manner determined by the  
6 board secretary, that such a higher rate is under consideration by the  
7 governing body.<sup>2</sup>

8 c. No concession fees, finders' fees, or other direct monetary  
9 benefit shall be paid to any government aggregator by, or on behalf of,  
10 a licensed electric power supplier or licensed gas supplier or broker or  
11 energy agent as a result of the contract.

12 d. A licensed electric power supplier or licensed gas supplier shall  
13 be subject to the prohibitions against political contributions in  
14 accordance with the provisions of R.S.19:34-45.

15 e. [For any specific time period, a government aggregator may  
16 enter into only one contract for the provision of electric generation  
17 service and one contract for the provision of gas supply service to the  
18 consumers within its territorial jurisdiction.] <sup>2</sup>~~[(Deleted by~~  
19 amendment, P.L. c. (now before the Legislature as this bill)] A  
20 government aggregator may enter into more than one contract for the  
21 provision of electric generation service and gas supply service,  
22 provided, however that the governing body indicates in each contract  
23 which is the default provider if a customer does not choose one of the  
24 providers.<sup>2</sup>

25 f. A county government acting as a government aggregator shall  
26 not enter into a contract for the provision of a government energy  
27 aggregation program that is in competition with any existing contract  
28 of any government aggregator within its territorial jurisdiction.

29 (1) A county government may enter into a contract for a  
30 government energy aggregation program only if one or more  
31 constituent municipalities in the county adopt an ordinance authorizing  
32 the county to enter into such a contract.

33 (2) A county government energy aggregation program shall only  
34 be conducted for residential and business customers located within the  
35 constituent municipalities that have approved participation in the  
36 county's government energy aggregation program.

37 (cf: P.L.1999, c.23, s.43)

38  
39 <sup>2</sup>[3.] 5.<sup>2</sup> Section 45 of P.L.1999, c.23 (C.48:3-94) is amended to  
40 read as follows:

41 45. <sup>2</sup>a. (1)<sup>2</sup> A government aggregator that is a municipality or a  
42 county may [, notwithstanding the provisions of section 44 of this act  
43 to the contrary,] operate a [limited] government energy aggregation  
44 program that provides for the aggregation of [residential]  
45 <sup>1</sup>residential<sup>1</sup> electric generation service or gas supply service [without  
46 the initial, affirmative, voluntary, written consent of residential

1 customers for electric generation service or gas supply service,]<sup>2</sup>, non-  
2 residential electric generation service or gas supply service on a  
3 voluntary basis, and appliance repair services for residential and non-  
4 residential customers on a voluntary basis,<sup>2</sup> either separately or  
5 bundled, in accordance with the <sup>2</sup>[following procedures:] provisions  
6 of this section.<sup>2</sup>

7 <sup>2</sup>[a. electric] (2) Electric<sup>2</sup> generation service or gas supply service  
8 for [residential] <sup>1</sup>residential<sup>1</sup> customers within the municipality or  
9 county <sup>2</sup>and for non-residential customers on a voluntary basis .and for  
10 appliance repair services for residential and non-residential customers  
11 on a voluntary basis,<sup>2</sup> may be aggregated together with electric  
12 generation service, electric related service, gas supply service or gas  
13 related service, either separately or bundled, for the government  
14 aggregator's own facilities or with other government aggregators,  
15 provided that [:

16 (1)] <sup>2</sup>[the] each<sup>2</sup> governing body adopts an ordinance in the case  
17 of a municipality, or resolution in the case of a county, <sup>2</sup>after notice  
18 and public hearing,<sup>2</sup> indicating its intent to solicit bids for the  
19 provision of electric generation service or gas supply service, either  
20 separately or bundled [, without the affirmative, voluntary written  
21 consent of the residential customer], <sup>2</sup>and for appliance repair services  
22 on a voluntary basis at a separate price and by separate bid solicitation,  
23 as the case may be,<sup>2</sup> which approval shall require passage by a  
24 majority <sup>2</sup>[plus one]<sup>2</sup> vote of the full membership of the governing  
25 body [;

26 (2) within 15 days of the adoption of such an ordinance or  
27 resolution, as appropriate, the governing body provides notice, in a  
28 form as determined by the board, to its residential customers advising  
29 them of their individual right to affirmatively decline participation in  
30 the government energy aggregation program, and providing 30 days  
31 for residential customers to respond in writing to the governing body  
32 of their decision to affirmatively decline participation in the  
33 government energy aggregation program; and

34 (3) upon expiration of the 30-day period required pursuant to  
35 paragraph (2) of subsection a. of this section, the governing body shall  
36 determine the number and identity of residential customers who did  
37 not affirmatively decline to participate in the government energy  
38 aggregation program].

39 <sup>2</sup>(3) If an ordinance or resolution adopted pursuant to paragraph  
40 (2) of this subsection would include non-residential customers in a  
41 government energy aggregation program on a voluntary basis, the  
42 adoption of the ordinance or resolution shall be accompanied by a  
43 public notice that non-residential customers will be included in the  
44 government energy aggregation program if they contact the  
45 appropriate governing body within 30 days of the adoption of the

1 ordinance or resolution stating their affirmative choice to be included  
2 in the government energy aggregation program.

3 (4) (a) If an ordinance or resolution adopted pursuant to paragraph  
4 (2) of this subsection would include appliance repair services for  
5 residential or non-residential customers on a voluntary basis at a  
6 separate price and by separate bid solicitation, the adoption of the  
7 ordinance or resolution shall be accompanied by a public notice that  
8 residential or non-residential customers may receive appliance repair  
9 services if they contact the appropriate governing body within 30 days  
10 of the adoption of the ordinance or resolution stating their affirmative  
11 choice to receive appliance repair services under the government  
12 energy aggregation program.

13 (b) The Board of Public Utilities shall adopt, pursuant to the  
14 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
15 seq.), rules and regulations determining the manner in which electric  
16 related services and gas related services, other than appliance repair  
17 services, shall be included in government energy aggregation  
18 programs.

19 (5) A government energy aggregation program shall be structured  
20 to provide that each residential or non residential customer, as the case  
21 may be, shall receive electric generation service or gas supply service  
22 from one licensed electric power supplier or one licensed gas supplier,  
23 as the case may be.

24 (6) Any residential or non-residential customer receiving electric  
25 generation service or gas supply service from a licensed electric power  
26 supplier or a licensed gas supplier prior to the establishment of a  
27 government energy aggregation program pursuant to this section shall  
28 be exempt from a government energy aggregation program established  
29 pursuant to this section. Under no circumstance shall a residential or  
30 non-residential customer's affirmative choice to be included in a  
31 government energy aggregation program abrogate the existing terms  
32 of an electric power or gas supply contract between a non-residential  
33 customer and a licensed electric power supplier or licensed gas  
34 supplier.<sup>2</sup>

35 b. (1) The governing body shall commence public bidding pursuant  
36 to the provisions of the "Local Public Contracts Law," P.L.1971,  
37 c.198 (C.40A:11-1 et seq.) to receive bids from a licensed electric  
38 power supplier or licensed gas supplier, as appropriate, for electric  
39 generation service or gas supply service <sup>2</sup>at one or more projected  
40 load levels<sup>2</sup>, either separately or bundled, for [those residential]  
41 customers [who did not affirmatively decline to participate in the  
42 government energy aggregation program pursuant to paragraph (2) of  
43 subsection a. of this section,] within the municipality or county <sup>2</sup>, and  
44 if appropriate, for any appliance repair services at a separate price and  
45 by separate bid solicitation.<sup>2</sup> and for electric generation service,  
46 electric related service, gas supply service or gas related service, either

1 separately or bundled, for the government aggregator's own facilities.  
2 <sup>2</sup>Thirty days prior to the commence of public bidding the governing  
3 body shall transmit the bid notice and all bidding documents to the  
4 board and the Division of the Ratepayer Advocate for review. The  
5 board and the Division of the Ratepayer Advocate shall have 15 days  
6 to review the bid notice and bidding documents and provide comments  
7 to the governing body, which may accept or reject the comments.<sup>2</sup>

8 (2) Upon receipt of the bids, the governing body shall evaluate the  
9 proposals. The governing body shall select a licensed electric power  
10 supplier or licensed gas supplier, or both, based on the most  
11 advantageous proposal, price and other factors considered. [The  
12 governing body shall only select a licensed electric power supplier to  
13 be awarded a contract for service where the rate is lower than that  
14 guaranteed by the State-mandated rate reductions pursuant to section  
15 4 of this act and the price of basic generation service pursuant to  
16 section 9 of this act.] <sup>1</sup>The governing body shall only select a licensed  
17 electric power supplier <sup>2</sup>or licensed gas supplier <sup>2</sup> to be awarded a  
18 contract for service where the rate is the same as or lower than <sup>2</sup>[that  
19 guaranteed by the State-mandated rate reductions pursuant to section  
20 4 of P.L.1999, c.23 (C.48:3-52) and]<sup>2</sup> the price of basic generation  
21 service pursuant to section 9 of P.L.1999, c.23 (C.48:3-57) plus the  
22 pro-rata value of the cost of compliance with the renewable energy  
23 portfolio standards imposed pursuant to this act derived from a non-  
24 utility generation contract with an electric public utility and transferred  
25 by the electric public utility to a supplier of basic generation service  
26 <sup>2</sup>or basic gas supply service pursuant to section 10 of P.L.1999, c.23  
27 (C.48:3-58), as determined by the board<sup>2</sup> . <sup>1</sup> <sup>2</sup>The governing body may  
28 award a contract for electric generation service where the rate is  
29 higher than the price of basic generation service as determined by the  
30 board pursuant to section 9 of P.L.1999, c.23 plus the pro-rata value  
31 of the cost of compliance with the renewable energy portfolio  
32 standards imposed pursuant to this act derived from a non-utility  
33 generation contract with an electric public utility and transferred by  
34 the electric public utility to a supplier of basic generation service,  
35 provided that the award is for electricity <sup>3</sup>the percentage of which<sup>3</sup>  
36 that is derived from verifiable Class I or Class II renewable energy as  
37 defined pursuant to section 3 of P.L.1999, c.23 (C.48:3-51) <sup>3</sup>is  
38 greater than the percentage of Class I and Class II renewable energy  
39 required pursuant to subsection d. of section 38 of P.L.1999, c.23  
40 (C.48:3-87)<sup>3</sup>, and that the customers are informed, in a manner  
41 determined by the board secretary, that such a higher rate is under  
42 consideration by the governing body.<sup>2</sup>

43 c. Upon selection of a licensed electric power supplier or licensed  
44 gas supplier, or both, pursuant to subsection b. of this section, the  
45 governing body shall enter into a written agreement with the selected  
46 licensed supplier. The written agreement shall include:

1 (1) the contract with the selected licensed electric power supplier  
2 or licensed gas supplier, or both, for the government aggregator's own  
3 load; <sup>2</sup>and<sup>2</sup>

4 (2) a contract form which shall comply with and include the  
5 requirements of subsection a. of section 43 of <sup>2</sup>[this act; and

6 (3) that the written agreement shall not take effect until the  
7 proposed contract in paragraph (2) of this subsection is [approved]  
8 reviewed by the board and the Division of the Ratepayer Advocate  
9 P.L.1999, c.23 (C.48:3-92).

10 The governing body shall transmit a copy of the written agreement  
11 to the board and the Division of the Ratepayer Advocate, each of  
12 which shall have 15 days to review the written agreement and provide  
13 comments to the governing body, which may accept or reject the  
14 comments<sup>2</sup>.

15 d. <sup>2</sup>[After entering into a written agreement with the selected  
16 licensed supplier, the governing body shall submit, to the board and  
17 the Division of the Ratepayer Advocate for [approval] review and  
18 comment, the proposed contract [to be entered into by the selected  
19 licensed electric power supplier or licensed gas supplier, or both, with  
20 each residential customer who affirmatively consents to enter into a  
21 contract with the selected licensed electric power supplier or licensed  
22 gas supplier, or both]. This submission shall include the proposed  
23 contract and any other information deemed appropriate by the board  
24 and the Division of the Ratepayer Advocate.

25 (1) Within <sup>1</sup>[30] 15<sup>1</sup> days of receipt of the submission, the board  
26 and the Division of the Ratepayer Advocate shall [determine whether  
27 the submission is complete. If it is determined to be incomplete, it  
28 shall be returned, forthwith, along with a notice specifying the  
29 deficiency or deficiencies. The governing body shall correct the  
30 deficiency or deficiencies and resubmit the submission to the board.

31 (2) Upon being notified by the board that the submission is  
32 complete, the governing body shall cause a copy to be forwarded to  
33 the Division of the Ratepayer Advocate. Within 45 days of receipt,  
34 the Division of the Ratepayer Advocate shall recommend to the board  
35 to approve, modify or reject the submission.

36 (3) The board shall approve, reject or modify the submission  
37 within 60 days of the date the submission is deemed complete] review  
38 the proposed contract and provide comments to the governing body,  
39 which may accept or reject the comments.] (Deleted by amendment,  
40 P.L. c. (now before the Legislature as this bill))<sup>2</sup>

41 e. [Upon approval of the proposed contract to be entered into by  
42 the selected licensed electric power supplier or licensed gas supplier,  
43 or both, with each residential customer who affirmatively consents to  
44 enter into a contract with the selected licensed electric power supplier  
45 or licensed gas supplier, or both, the] (1) <sup>2</sup>[Following the review by

1 the board and the Division of the Ratepayer Advocate] After entering  
2 into the agreement pursuant to section c. of this section<sup>2</sup>, the  
3 governing body shall provide written <sup>2</sup>individual<sup>2</sup> notice to customers  
4 advising them of their individual right to affirmatively decline  
5 participation in the government energy aggregation program, and  
6 providing 30 days for customers to respond to the governing body of  
7 their decision to affirmatively decline participation in the government  
8 energy aggregation program <sup>2</sup>and providing them with the price and  
9 other factors allowing the customer to compare the government energy  
10 aggregation program to other alternatives<sup>2</sup>; and

11 (2) upon expiration of the 30-day period required pursuant to  
12 paragraph (1) of this subsection, the governing body shall determine  
13 the number and identity of customers who did not affirmatively decline  
14 to participate in the government energy aggregation program.

15 (3) The governing body shall then authorize the selected licensed  
16 electric power supplier or licensed gas supplier, or both, to [solicit the  
17 affirmative and voluntary written consent to participate in the  
18 government energy aggregation program of any] enroll each  
19 [residential]customer within the municipality or county who did not  
20 initially affirmatively decline to be part of a government energy  
21 aggregation program pursuant to the provisions of paragraph [(2)] (1)  
22 of subsection [a.] e. of this section.

23 <sup>2</sup>(4) <sup>3</sup>[Residential and non-residential customers that have been  
24 enrolled in a government energy aggregation program and move to a  
25 new location where that same government energy aggregation  
26 program is available may consent to continue in the government  
27 energy aggregation program but will revert to basic generation service  
28 or basic gas supply service for no more than 60 days to accommodate  
29 customer notification and billing cycle requirements.<sup>2</sup>] The Board of  
30 Public Utilities shall adopt, pursuant to the Administrative Procedure  
31 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations  
32 regarding service for residential and non-residential customers in  
33 municipalities and counties in which government energy aggregation  
34 programs have been established providing for the notification to new  
35 customers of the availability of the established government energy  
36 aggregation program and their option to enroll in the program, and  
37 establishing a process by which customers that have been enrolled in  
38 a government energy aggregation program and that move to a new  
39 location where that same government energy aggregation program is  
40 available may consent to continue in the program without reverting to  
41 basic generation service or basic gas service. The rules and  
42 regulations adopted by the board pursuant to this section shall provide  
43 for the recovery by an electric public utility or a gas public utility of all  
44 reasonable costs incurred by the electric public utility or gas public  
45 utility in complying with the regulations adopted pursuant to this  
46 section.<sup>3</sup>

1 f. The licensed electric power supplier or licensed gas supplier, or  
2 both, selected pursuant to the provisions of this section shall be  
3 subject to the provisions of section 37 of this act.

4 g. Whenever the process results in a change of provider of energy  
5 or of price to program participants, the governing body shall give  
6 residential customers notice, as determined by the board, of their right  
7 to decline continued participation.

8 h. A government aggregator ~~[which]~~ that is a county may  
9 implement the provisions of this section only as authorized pursuant  
10 to the provisions of subsection f. of section 43 of this act.

11 i. ~~[The provisions of this section shall only apply to government~~  
12 ~~energy aggregation programs for residential customers.]~~ <sup>1</sup>~~[(Deleted~~  
13 ~~by P.L. c. (now before the Legislature as this bill)]~~ The provisions  
14 of this section shall only apply to government energy aggregation  
15 programs for residential customers <sup>2</sup>and to non-residential customers  
16 on a voluntary basis<sup>2</sup> .<sup>1</sup>

17 j. ~~[Nothing in this section shall preclude a limited government~~  
18 ~~energy aggregation program from including business customers as~~  
19 ~~participants pursuant to section 44 of this act.]~~ <sup>1</sup>~~[(Deleted by~~  
20 ~~P.L. c. (now before the Legislature as this bill)]~~ Nothing in this  
21 section shall preclude a government energy aggregation program from  
22 including <sup>2</sup>[business] non-residential<sup>2</sup> customers as participants on a  
23 voluntary basis and in a clear and consistent manner.

24 k. Nothing in this section shall preclude a residential customer  
25 who did not affirmatively decline to participate in a government energy  
26 aggregation program from switching electric service to another electric  
27 power supplier or to basic generation service pursuant to regulations  
28 adopted by the board.<sup>1</sup>

29 (cf: P.L.1999, c.23, s.45)

30  
31 <sup>2</sup>6. (New section) a. The provisions of any law, or rule or  
32 regulation adopted pursuant thereto, to the contrary notwithstanding,  
33 a government aggregator that is a municipality or a county shall not  
34 award a contract to a licensed electric power supplier, a licensed gas  
35 supplier, or appliance repair service provider if the licensed electric  
36 power supplier, licensed gas supplier, or appliance repair service  
37 provider has solicited or made any contribution of money, or pledge  
38 of contribution, including in-kind contributions, to a campaign  
39 committee of any candidate or holder of the public office having  
40 ultimate responsibility for the award of the contract, or to any State,  
41 county or municipal party committee or legislative leadership  
42 committee, in excess of the thresholds specified in subsection c. of this  
43 section within one calendar year immediately preceding  
44 commencement of negotiations for the contract.

45 b. No licensed electric power supplier, licensed gas supplier, or  
46 appliance repair service provider which enters into negotiations for, or



1 agrees to, any contract with a government aggregator that is a  
2 municipality or a county shall knowingly solicit or make any  
3 contribution of money, or pledge of a contribution, including in-kind  
4 contributions, to any candidate or holder of the public office having  
5 ultimate responsibility for the award of the contract, or to any State,  
6 county or municipal party committee or legislative leadership  
7 committee, between the commencement of negotiations for and the  
8 later of the termination of negotiations or the completion of the  
9 contract.

10 c. Any individual included within the definition of a licensed  
11 electric power supplier, licensed gas supplier, or appliance repair  
12 service provider pursuant to subsection o. of this section may annually  
13 contribute a maximum of \$250 for any purpose to any candidate for  
14 the office of Governor or for the office of member of the Legislature,  
15 or \$500 to any State, county or municipal party committee or  
16 legislative leadership committee, without violating subsection a. of this  
17 section. However, any group of individuals meeting the definition of  
18 a licensed electric power supplier, a licensed gas supplier pursuant, or  
19 appliance repair service provider to subsection o. of this section, in the  
20 aggregate shall not annually contribute for any purpose in excess of  
21 \$5,000 to all candidates for the office of Governor or for the office of  
22 member of the Legislature and officeholders with ultimate  
23 responsibility for the awarding of the contract, and all State, county  
24 and municipal political parties and legislative leadership committees  
25 combined, without violating subsection a. of this section.

26 d. For purposes of this section, the office that is considered to  
27 have ultimate responsibility for the award of the contract shall be any  
28 elected official of the governing body of the municipality or county  
29 serving as the government aggregator.

30 e. No contribution of money or other thing of value, including in-  
31 kind contributions, made by a licensed electric power supplier, a  
32 licensed gas supplier, or appliance repair service provider to any  
33 candidate for the office of Governor or for the office of member of the  
34 Legislature or State, county or municipal party committee or  
35 legislative leadership committee shall be deemed a violation of section  
36 a. of this section nor shall an agreement for property, goods or  
37 services, of any kind whatsoever, be disqualified thereby, if that  
38 contribution was made by the licensed electric power supplier, licensed  
39 gas supplier, or appliance repair service provider prior to the effective  
40 date of P.L. . c. (C. )(pending in the Legislature as this bill).

41 f. (1) Prior to awarding any contract to a licensed electric power  
42 supplier, a licensed gas supplier, or appliance repair service provider,  
43 a government aggregator that is a municipality or a county shall  
44 receive a sworn statement from the licensed electric power supplier,  
45 licensed gas supplier, or appliance repair service provider made under  
46 penalty of perjury that the licensed electric power supplier, licensed

1 gas supplier, or appliance repair service provider has not made a  
2 contribution in violation of subsection a. of this section.

3 (2) A licensed electric power supplier, licensed gas supplier, and  
4 appliance repair service provider shall have a continuing duty to report  
5 any violations of this section that may occur during the negotiation of  
6 duration of the contract.

7 g. Candidates for the office of Governor or for the office of  
8 member of the Legislature, and State and county party committees and  
9 legislative leadership committees shall use reasonable efforts to notify  
10 contributors and potential contributors that contributions, including in-  
11 kind contributions, from a licensed electric power supplier, a licensed  
12 gas supplier, or appliance repair service provider and certain  
13 individuals associated with a licensed electric power supplier, licensed  
14 gas supplier, or appliance repair service provider may affect the ability  
15 of the licensed electric power supplier, licensed gas supplier, or  
16 appliance repair service provider to contract or continue to contract  
17 with a government aggregator that is a municipality or a county. Such  
18 reasonable efforts shall include, but need not be limited to, notification  
19 in written fundraising solicitations or donor information request forms  
20 or other fundraising solicitation materials. The failure of a licensed  
21 electric power supplier, licensed gas supplier, or appliance repair  
22 service provider to receive the notice prescribed in this subsection  
23 section shall not be a defense to a violation subsection a. of this  
24 section.

25 h. A licensed electric power supplier, licensed gas supplier,  
26 appliance repair service provider, candidate for the office of Governor  
27 or for the office of member of the Legislature, an officeholder or a  
28 State, county or municipal party committee or legislative leadership  
29 committee may cure a violation of section subsection a. of this section  
30 if, within 30 days after the election for which a contribution is made  
31 the licensed electric power supplier, licensed gas supplier, or appliance  
32 repair service provider seeks and receives reimbursement of a  
33 contribution from the candidate for the office of Governor or for the  
34 office of member of the Legislature or State, county or municipal  
35 political party or legislative leadership committee.

36 i. It shall be a breach of the terms of a contract for a licensed  
37 electric power supplier, licensed gas supplier, or appliance repair  
38 service provider to violate subsection a. of this section or to  
39 knowingly conceal or misrepresent contributions given or received, or  
40 to make or solicit contributions through intermediaries for the purpose  
41 of concealing or misrepresenting the source of the contribution, and  
42 any such licensed electric power supplier, licensed gas supplier, or  
43 appliance repair service provider shall be subject to penalties  
44 prescribed in subsection k. of this section and any other penalties  
45 prescribed by law.

1        j. No person shall make and no person, other than a candidate or  
2 an official representative of the candidate committee or joint  
3 candidates committee of the candidate, shall accept any contribution  
4 on the condition or with the agreement that it will be contributed to  
5 any other particular candidate, subject to penalties prescribed in  
6 subsection k. of this section and any other penalties prescribed by law.  
7 The expenditure of funds received by a person shall be made at the  
8 sole discretion of the recipient person.

9        k. Any licensed electric power supplier, licensed gas supplier, or  
10 appliance repair service provider who knowingly fails to reveal a  
11 contribution made in violation of subsection a. of this section, or who  
12 knowingly makes or solicits contributions through intermediaries for  
13 the purpose of concealing or misrepresenting the source of the  
14 contribution, shall be disqualified from eligibility for future energy  
15 aggregation program contracts for a period of four calendar years  
16 from the date of the determination of violation, and shall have any  
17 contract with the State then in effect immediately terminated.

18        l. The governing body of a county or municipality shall have the  
19 option to promulgate and implement its own ordinances restricting  
20 campaign contributions by licensed electric power suppliers and  
21 licensed gas suppliers.

22        m. (1) Any licensed electric power supplier, licensed gas supplier,  
23 or appliance repair service provider making a contribution to any  
24 candidate, committee, or political party shall file an annual disclosure  
25 statement with the New Jersey Election Law Enforcement Commission  
26 setting forth all political contributions made during the 12 months  
27 prior to the reporting deadline.

28        (2) The Election Law Enforcement Commission shall prescribe  
29 forms and procedures for the reporting required in paragraph (1) of  
30 this subsection which, at a minimum, shall require the following  
31 information:

32        (a) The names and addresses of the licensed electric power  
33 supplier, licensed gas supplier, or appliance repair service provider  
34 making the contributions, and the amount contributed;

35        (b) The name of the candidate committee or political party  
36 receiving the contribution; and

37        (c) The amount of money received from a government aggregator  
38 that is a municipality or a county.

39        n. The Election Law Enforcement Commission shall maintain a list  
40 of such reports for public inspection both at the commission's office  
41 and through the commission's electronic disclosure Web site.

42        o. (1) For purposes of this section, "electric power supplier" and  
43 "gas supplier" shall have the same meaning as set forth in section 3 of  
44 P.L.1999, c.23 (C.48:3-51), and shall include all principals who own  
45 10 percent or more of the equity in an entity that is an electric power  
46 supplier or a gas supplier, partners, and all officers in the aggregate

1 employed by the entity, as well as any subsidiaries directly controlled  
2 by the entity. "Appliance repair service provider" means any person  
3 or entity engaged in the maintenance, repair or replacement of  
4 appliances and providing such services as part of government energy  
5 aggregation program pursuant to P.L.1999, c.23, and shall include all  
6 principals who own more than 10 percent or more of the equity in an  
7 entity which is an appliance more than 10 percent or more of the  
8 equity in an entity which is an appliance repair service provider,  
9 partners, and all officers in the aggregate employed by the entity, as  
10 well as any subsidiaries directly controlled by the entity. "Contract"  
11 shall mean a contract between a government aggregator that is a  
12 municipality or a county for a government energy aggregation program  
13 entered into pursuant to the provisions of section 2 of P.L. , c.   
14 (C. )(pending in the Legislature as this bill) or the provisions of  
15 P.L.1999, c.23.

16 (2) For the purposes of this section, "contribution," "in-kind  
17 contribution," "other thing of value," "candidate," "candidate  
18 committee," "joint candidates committee," "legislative leadership  
19 committee," "State, county or municipal political party" and "State,  
20 county or municipal party committee" shall have the meanings set forth  
21 in the "New Jersey Campaign Contributions and Expenditures  
22 Reporting Act," P.L.1973, c.83 (C.19:44A-1 et seq.).<sup>2</sup>

23

24 <sup>2</sup>[5.] 7.<sup>2</sup> Section 44 of P.L.1999, c.23 (C.48:3-93) is repealed.

25

26 <sup>2</sup>[6.] 8.<sup>2</sup> This act shall take effect immediately.