further deliberations shall be mailed to the petitioner and shall be submitted to the Office of Administrative Law for publication in the New Jersey Register.

(i) In accordance with N.J.A.C. 1:30-4.2(b), a specific period of more than 90 days for further deliberations under (h)3 above and/or to initiate a rulemaking proceeding under (h)2 or 3 above may be agreed upon, in writing, by the petitioner and the Board. An agreement to extend either period or both periods shall constitute an action on the petition for which notice shall be submitted to the Office of Administrative Law for publication in the New Jersey Register.

SUBCHAPTER 7. CONFERENCES AND SETTLEMENTS

14:1-7.5 Approval of settlements

A settlement includes any agreement between the parties that resolves disputed matters and may end all or part of the case. No settlement shall be deemed approved by the Board unless acted on in accordance with N.J.S.A. 48:2-40. ***This section shall not apply to withdrawn petitions or informal complaints.***

SUBCHAPTER 8. CONTESTED CASE HEARINGS

14:1-8.1 Contested case procedures

[(a) Staff shall make the initial determination of whether a matter is a contested case. That determination is subject to review by the Board.]

[(b)] The hearing in any matter which is determined by the Board to be a contested case shall be conducted pursuant to 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.

14:1-8.5 Motions to reopen

(a) After the effective date of the final decision, a party may file for the reopening of the proceeding. Upon filing by any party of a motion for the reopening of a proceeding, appropriate notice thereof shall be given forthwith by the moving party to all other parties, or their attorneys of record, by service of a copy of the motion for reopening.

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

14:1-8.6 Rehearing, reargument, or reconsideration

(a) A motion for rehearing, reargument, or reconsideration of a proceeding may be filed by any party within 15 days after the effective date of any final decision or order by the Board.

1.-2. (No change.)

(b) (No change.)

SUBCHAPTER 9. UNCONTESTED CASE PROCEEDINGS

14:1-9.1 Uncontested case proceedings

This subchapter applies only to a matter *[that is determined]* ***which the Board determines*** to constitute an uncontested case. Where the Board determines to hold a hearing in an uncontested case, said hearing shall be conducted pursuant to this section and, in the absence of a specific provision herein, pursuant to the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, and the Board of Public Utilities Rules of Special Applicability, N.J.A.C. 1:14.

SUBCHAPTER 10. COMPLIANCE WITH ORDERS, DECISIONS, AND RECOMMENDATIONS

14:1-10.1 Orders and decisions

Upon the effective date of an order or decision of the Board, the party to whom the same is directed must notify the Board on or before the date specified in said order or decision, whether or not compliance has been made in conformity therewith.

14:1-10.4 Answers to communications

Unless otherwise specified, any letter or notice from the Board directing investigation of any matter under its jurisdiction must be complied with by the utility and a report received by the Board within 15 days from the date of the letter or notice. If circumstances prevent compliance with this section, the utility must advise the Board, in writing within the above prescribed period, of its inability to comply and the reasons therefor.

(a)

BOARD OF PUBLIC UTILITIES

Notice of Readoption

Nuclear Plant Decommissioning Cost and Trust Fund Review

Readoption: N.J.A.C. 14:5A

Authority: N.J.S.A. 48:2-13 and 48:2-21.

Authorized By: New Jersey Board of Public Utilities, Richard S. Mroz, President, Joseph L. Fiordaliso, Mary-Anna Holden, and Dianne Solomon, Commissioners.

BPU Docket Number: EX15050630.

Effective Date: August 19, 2015.

New Expiration Date: August 19, 2022.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.b, the rules at N.J.A.C. 14:5A will expire on October 7, 2015. The rules provide procedures to ensure that there will be adequate funds for the proper decommissioning of nuclear power plants owned by New Jersey utilities. Specifically, the rules require the filing of periodic update reports regarding trust funds held by a utility to cover decommissioning costs.

A summary of the subchapters of N.J.A.C. 14:5A follows:

N.J.A.C. 14:5A-1.1 sets forth the purpose and scope of the chapter.

N.J.A.C. 14:5A-1.2 provides definitions for key words and terms used in the chapter.

N.J.A.C. 14:5A-2.1 sets forth the requirement that New Jersey electric utilities with an ownership interest in a nuclear plant file a Decommissioning Cost Update with the Board. In addition, the section sets forth details regarding the timing and format of the filing.

N.J.A.C. 14:5A-2.2 sets forth the elements that must be included in the Decommissioning Cost Update.

N.J.A.C. 14:5A-2.3 allows affected electric utilities to jointly file certain information in order to avoid the filing of duplicative information.

N.J.A.C. 14:5A-3.1 requires public notice of the filing of a Decommissioning Cost Update.

N.J.A.C. 14:5A-3.2 provides for a public comment period on the Update, and for formal Board review in certain cases.

N.J.A.C. 14:5A-3.3 provides for party status for the Department of Environmental Protection (DEP) and the Division of Rate Counsel (Rate Counsel), and for a motion for intervention by others.

N.J.A.C. 14:5A-3.4 provides for discovery in any formal proceeding initiated under this chapter.

N.J.A.C. 14:5A-3.5 provides for a public hearing as part of a formal proceeding, and evidentiary hearings as determined necessary by the Board.

N.J.A.C. 14:5A-3.6 requires findings by the Board after any hearings.

N.J.A.C. 14:5A-4.1 sets forth requirements for the hiring of investment managers and trustees for decommissioning trust funds.

N.J.A.C. 14:5A-4.2 requires the filing of annual reports regarding the decommissioning trust fund.

N.J.A.C. 14:5A-4.3 requires the distribution of the annual decommissioning trust fund reports to DEP, Rate Counsel, and the municipality in which the plant is located.

The Board of Public Utilities has reviewed these rules and has determined that the rules should be readopted without amendment. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.