

(b) An EDC shall post distribution system hosting capacity maps on its website, update them at least once every quarter, and include both circuit and substation level data in the maps. The available hosting capacity values for each circuit shall be calculated using common methodology and presented in a consistent manner across all EDCs' websites. An EDC shall post a written summary of all significant changes to hosting capacity maps on its website and simultaneously distribute them to a subscriber email listserv at least once every quarter. Each EDC shall clearly label its maps with detailed legends explaining what the data means and ensure its map legends use a nomenclature common to all EDCs.

(c) To the greatest extent permitted pursuant to the North American Electric Reliability Council standards, applicable Federal and State laws, rules, and regulations, and internal EDC physical and cybersecurity policies, all hosting capacity maps shall be integrated with GIS systems, visually present all system data for substations, feeders, and related distribution assets, and allow potential applicants to easily determine, based on an entered street address, the following information:

1. Whether the nearby distribution circuit(s) are closed, have limited available surplus capacity, or are fully open to interconnecting additional generation;
2. A recommended and maximum amount of additional export-capable generating capacity, defined as the maximum amount of power customer-generator facilities can export, after accounting for any non-exporting technology, that can be accommodated on each nearby open circuit without violating any reliability criteria, including, but not limited to, thermal, steady-state voltage, voltage fluctuation, and voltage protection criteria;
3. A quantified indication of interest level from other projects (and their aggregate capacity) along the same circuit;
4. A built-in function enabling users to filter sites based on available hosting capacity above a certain threshold;
5. A range of budgetary cost estimates for anticipated upgrades required to make additional hosting capacity available, based on high-level estimates (for example, +/- 25 percent);
6. Uniform load on a circuit segment;
7. Preliminary information on the circuit segment and if the segment has a known transient/dynamic stability limitation, if a transmission ground fault overvoltage is possible, if a proposed facility has any transmission interdependencies, and if all islanding conditions are met based on the utility's screening policies;
8. Identification of potentially limiting equipment requiring a system upgrade on the hosting capacity maps (for example, voltage controllers, protective relays, communication systems, conductor ampacity, etc.); and
9. For each feeder, the available hosting capacity, as well as existing energy storage nameplate capacity, PV nameplate capacity, and any non-PV distributed generation nameplate capacity, each labeled individually.

(d) Each EDC shall ensure that its hosting capacity mapping process includes a documented methodology for validating models, publishing hosting capacity maps, and enabling the collection and compilation of customer feedback.

14:8-5.12 Dispute resolution

(a) By (120 days of the effective date of this rulemaking), each EDC shall make a tariff filing to implement a standardized dispute resolution process to govern disputes between the EDC and a customer-generator, including, but not limited to, disputes involving issues with interconnection studies, cost estimates for necessary upgrades, queue priority, the development of the interconnection agreement, billing, fees, or any related matters. The Board shall accept a standardized dispute resolution tariff filing upon a finding that the proposed dispute resolution process conforms to the requirements of this section and will enable the EDC to fulfill its duties pursuant to this section.

(b) An applicant may initiate the informal dispute resolution process by making a request through the CIAP portal or to the EDC's interconnection ombudsman, and an EDC may initiate the process by

notifying an applicant through the CIAP portal and by sending a written message to the applicant's email address. The parties shall make good faith efforts to resolve any dispute, including by making subject matter experts available, within 10 business days of its initiation or such longer time as the parties agree to in writing.

(c) If the informal dispute resolution process is unsuccessful, the applicant shall provide the EDC a written notice of dispute, setting forth the nature of the dispute, the relevant known facts pertaining to the dispute, and the relief sought. The applicant shall submit the notice through the CIAP portal or send it to the EDC and the Board's interconnection ombudsman by email. If the applicant submits the notice through the CIAP portal, the EDC shall send a copy of the notice to the interconnection ombudsman by email.

(d) The EDC shall acknowledge the notice within three business days of its receipt and identify a representative with the authority to make decisions for the EDC with respect to the dispute.

(e) The EDC shall provide the applicant with all relevant regulatory and/or technical details and analysis regarding any EDC interconnection requirements under dispute within 10 business days of the date of the notice of dispute. Within 20 business days of the date of the notice of dispute, the parties' authorized representatives shall meet and confer to try to resolve the dispute. The parties shall operate in good faith and use best efforts to resolve the dispute.

(f) If the parties do not resolve their dispute within 30 business days of the date the applicant sent the notice of dispute, then:

1. Either party may request to continue negotiations for an additional 20 business days;
2. The parties may refer the dispute to the Board's interconnection ombudsman by mutual agreement; or
3. The parties may request mediation from an outside third-party mediator by mutual agreement, with costs to be shared equally between the parties.

(g) If the parties still do not reach an agreement after attempting to resolve their dispute by one or more of the methods listed at (f) above, then the applicant is strongly encouraged to proceed to the Board's formal complaint resolution process by filing a petition with the Board pursuant to N.J.A.C. 14:1-5.

(h) At any time, either party may file a complaint before the Board pursuant to its rules or exercise whatever rights and remedies it may have at equity or law.

TRANSPORTATION

(a)

**DIVISION OF CAPITAL PROGRAM MANAGEMENT
DIVISION OF RIGHT OF WAY AND ACCESS
MANAGEMENT**

Relocation Assistance

Proposed Readoption with Amendments: N.J.A.C. 16:6

Authorized By: Francis O'Connor, Acting Commissioner,
Department of Transportation.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, 27:7-27, and 27:7-72 through 27:7-88; 23 U.S.C. §§ 101 et seq., and 46 U.S.C. §§4601 et seq.; and 49 CFR Part 24.

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

Proposal Number: PRN 2024-064.

Submit written comments by August 2, 2024, to:

Alexander C. Owen
Administrative Practice Officer
New Jersey Department of Transportation
PO Box 600
Trenton, NJ 08625-0600
Fax: (609) 530-4638

Submit electronically at NJDOTRules@dot.nj.gov.

This rule may be viewed or downloaded from the Department of Transportation's website at <http://www.state.nj.us/transportation/about/rules/proposals.shtml>.

The agency proposal follows:

Summary

In accordance with N.J.S.A. 52:14B-5.1.c, N.J.A.C. 16:6 was scheduled to expire on May 9, 2024. As the Department of Transportation (Department) submitted this notice of proposal to the Office of Administrative Law prior to that date, the expiration date was extended 180 days to November 5, 2024, pursuant to N.J.S.A. 52:14B-5.1.c(2). The Department has reviewed these rules proposed for readoption with amendments and determined that they remain necessary, reasonable, and proper for the purposes for which they were originally promulgated. Proposed amendments are necessary in order to update websites and to clarify language. The Department is proposing to readopt this chapter with the amendments as set forth below.

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

The purpose of the rules proposed for readoption with amendments is to establish provisions related to relocation assistance involving the acquisition of real property or the displacement of persons, including displacements caused by rehabilitation and demolition activities. The chapter complies with the provisions of the Uniform Transportation Replacement Housing and Relocation Act, P.L. 1989, c. 50, and the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§ 4601 et seq. The uniform regulations, policies, and operating procedures governing relocation assistance can be found in the Code of Federal Regulations at 49 CFR Part 24.

The proposed amendments and readoption of the chapter will continue a program within the Department to oversee and financially assist in the acquisition of real property or the displacement of persons, including displacements caused by rehabilitation and demolition activities in the acquisition of rights-of-way.

The chapter is summarized as follows:

Subchapter 1, General Provisions, which provides the purpose, scope, and the incorporation of Federal regulations regarding relocation assistance and real property acquisitions.

Subchapter 2, Definitions, provides the definitions used in this chapter.

Subchapter 3, Administration of Relocation, provides the administration of relocation assistance and establishes guidelines for payment of relocation assistance.

Subchapter 4, Appeals, provides the procedures to appeal the agency determination.

The proposed amendments are as follows:

N.J.A.C. 16:6-1.3 and 3.1(a) are proposed for amendment to update a website.

N.J.A.C. 16:6-3.1(c) is proposed for amendment to require advanced Federal Highway Administration (FHWA) approval for reimbursements that exceed Federal limits. N.J.A.C. 16:6-3.1(e) is proposed for amendment to clarify the provision. Proposed new N.J.A.C. 16:6-3.1(f) is added to relocate regulatory language from existing N.J.A.C. 16:6-3.1(e).

N.J.A.C. 16:6-4.1(d) is proposed for amendment to include references to displaced persons.

Social Impact

The rules proposed for readoption with amendments are necessary for the Department to continue to provide relocation assistance involving the acquisition of real property or the displacement of persons, including displacements caused by rehabilitation and demolition activities. The rules proposed for readoption with amendments only affect those who are displaced or relocated as a result of a transportation project by the Department. The rules proposed for readoption with amendments have been effective in problem solving associated with the displacement of individuals, families, businesses, farms, and nonprofit organizations and have also been effective in developing solutions to minimize possible adverse impacts associated with displacement or relocation.

Economic Impact

The rules proposed for readoption with amendments will continue the positive economic impact mandated primarily by the provisions of Federal law. By providing financial assistance, they address and minimize any adverse economic impact associated with the displacement or relocation of individuals, families, businesses, farms, and nonprofit organizations caused by rehabilitation and demolition activities by the Department.

The Department, State, and individuals affected would incur direct and indirect costs involved in the arrangement and coordination of the formal appeal process in contested cases. Additionally, persons so affected may elect to be represented by legal counsel or another representative at their expense.

Pursuant to Federal regulation at 49 CFR Part 24.208, persons seeking relocation assistance or payments must provide certification that they are presently in the United States legally. Self-certification is allowed, but the Department may also seek verification from the local Bureau of Citizenship and Immigration Service (BCIS) Office. If the certification is not provided or the local BCIS Office determines that the person is not a citizen, national, or alien lawfully present in the United States, the person will not be eligible to receive assistance or payments. Exceptions may be made in cases where the person can prove that denial of these benefits will result in exceptional and extremely unusual hardship to the person's spouse, parent, or child who is a citizen, or an alien lawfully admitted for permanent residency in the United States. These persons may incur costs related to providing proof of legal status or hardship, or the costs of adverse economic impact associated with the displacement if they are determined to be ineligible for benefits.

Federal Standards Statement

The rules proposed for readoption with amendments are based in part upon a State statutory mandate to conform to the requirements established pursuant to Federal law and regulation. The rules proposed for readoption with amendments meet, but do not exceed, the regulations issued by the United States Department of Transportation at 42 U.S.C. §§ 4601 et seq., and 49 CFR Part 24. Please see the Economic Impact section for a detailed discussion of 49 CFR Part 24.208.

Jobs Impact

The rules proposed for readoption with amendments will have no effect on jobs in New Jersey, as the Department does not expect that the rules proposed for readoption with amendments will result in the generation or loss of jobs.

Agriculture Industry Impact

The rules proposed for readoption with amendments will have no impact on the agriculture industry in New Jersey. The rules proposed for readoption with amendments are not intended to regulate farming, crops, or animal production.

Regulatory Flexibility Analysis

The rules proposed for readoption with amendments will not place any reporting or recordkeeping requirements on small businesses, as the term is defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules proposed for readoption with amendments impose compliance requirements on small businesses and farms eligible for relocation assistance benefits by requiring them to submit claims in accordance with the provisions at Subchapter 3. They may require the services of appraisers, attorneys, claims adjusters, and other professionals with expertise in the valuation of assets to prepare and submit claims. The cost of submitting claims includes administrative expenses attendant to document preparation and filing. The overall cost will vary with the circumstances of each claim and will depend, in part, on whether a small business needs professional services in preparing a particular claim. The Department has provided for no differentiation based upon business size because it has determined there is a limit on what may be reimbursable and because the uniform submission of information in support of claims is necessary to ensure financial assurance and integrity in the payment of benefits.

Housing Affordability Impact Analysis

The rules proposed for readoption with amendments establish provisions related to relocation assistance involving the acquisition of real

property or the displacement of persons, including displacements caused by Department rehabilitation and demolition activities. The Department believes that it is extremely unlikely that the rules would bring about a change in the average costs associated with housing or with the affordability of housing because the rulemaking is related to relocation assistance involving the acquisition of real property or the displacement of persons, including displacements caused by rehabilitation and demolition activities.

Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments establish provisions related to relocation assistance involving the acquisition of real property or the displacement of persons, including displacements caused by Department rehabilitation and demolition activities. The Department believes that it is extremely unlikely that the rules proposed for readoption with amendments would bring about a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The rules proposed for readoption with amendments establish provisions related to relocation assistance involving the acquisition of real property or the displacement of persons, including displacements caused by Department rehabilitation and demolition activities. The existing rules had no impact on racial and ethnic community criminal justice and public safety in New Jersey and the Department believes that it is extremely unlikely that the rules proposed for readoption with amendments will have any impact on pretrial detention, sentencing, probation, or parole policies concerning adults or juveniles in the State. Therefore, 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. 16:6.

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

SUBCHAPTER 1. GENERAL PROVISIONS

16:6-1.3 Incorporation by reference

Pursuant to N.J.S.A. 27:7-72 et seq., the Department adopts and incorporates by reference 42 U.S.C. §§ 4601 et seq., Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and 49 CFR Part 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs. The Federal regulations can be found at [<http://www.ecfr.gov/cgi-bin/text-idx?gp=&SID=bd45f92844d8ea927907062777ae2500&mc=true&tpl=/ecfrbrowse/Title49/49subtitleA.tpl>] [<https://www.ecfr.gov/current/title-49/subtitle-A>].

SUBCHAPTER 3. ADMINISTRATION OF RELOCATION ASSISTANCE

16:6-3.1 General provisions

(a) Information relating to the Department’s right-of-way acquisition and relocation policies is located at [the following: <http://www.state.nj.us/transportation/eng/#Manuals>] [https://nj.gov/transportation/eng/documents/BDC/pdf/ROW_Acquisition_Manual_20190913.pdf].

(b) (No change.)

(c) FHWA will not reimburse a State regulatory relocation requirement that exceeds the Federal relocation limits, **unless approved in advance.**

(d) (No change.)

(e) If FHWA approves amounts above the Federal standards [are authorized], the overage will require the utilization of State funds or LPA funds. [Authorization to exceed Federal standards including, but not limited to, last resort housing.]

(f) All relocation payments must be properly documented and the payments must be justified as reasonable, necessary, and reflecting a public good.

SUBCHAPTER 4. APPEALS

16:6-4.1 Appeal of agency determination

(a)-(c) (No change.)

(d) A **displaced** person has the right to be represented by legal counsel or other representative in connection with the appeal, but solely at the **displaced** person’s own expense. The **displaced** person shall be permitted to inspect and request copies of all materials pertinent to the appeal, except materials that are classified as privileged by the agency. The agency may impose reasonable conditions on the **displaced** person’s right to inspect, consistent with applicable laws. Copying fees shall be in accordance with N.J.S.A. 47:1A-5 and copies will be provided upon full payment of the copying fees, by check or money order, made payable to “New Jersey Department of Transportation.”

(e)-(i) (No change.)

TREASURY—TAXATION

(a)

DIVISION OF TAXATION

Cigarette Tax Act Rules

Proposed Readoption with Amendments: N.J.A.C. 18:5

Proposed Repeals: N.J.A.C. 18:5-5.10 and 5.11

Authorized By: Marita R. Sciarrotta, Acting Director, Division of Taxation.

Authority: N.J.S.A. 54:40A-20 and 54:50-1.

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

Proposal Number: PRN 2024-065.

Submit written comments by August 2, 2024, to:

Mary Richmond-Michael
Administrative Practice Officer
Division of Taxation
3 John Fitch Way—8th Floor
PO Box 240
Trenton, NJ 08646-0240
Email: Tax.RuleMakingComments@treas.nj.gov

The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 18:5 was scheduled to expire on June 5, 2024. As the Division of Taxation (Division) submitted this notice of proposal to the Office of Administrative Law prior to that date, the expiration date was extended 180 days to December 2, 2024, pursuant to N.J.S.A. 52:14B-5.1.c(2). The Division of Taxation has reviewed the rules proposed for readoption with amendments and repeals and has determined that, as amended, as set forth and summarized in this rulemaking, they are necessary, reasonable, and proper for the purpose for which they were originally promulgated. N.J.A.C. 18:5-1.1, Words and phrases defined, supplements the statutory definitions set forth at N.J.S.A. 54:40A-7, but the statutory definitions will control if there are ambiguities or conflicts between the two. The Division proposes to readopt the rules with amendments that are necessary in order to make the rules consistent with the Cigarette Tax Act (Act), as amended.

The content of the subchapters in this chapter may be summarized as follows:

- Subchapter 1 sets forth definitions.
- Subchapter 2 sets forth the imposition of the cigarette tax.
- Subchapter 3 pertains to revenue tax stamps.
- Subchapter 4 pertains to refunds and the redemption of tax stamps.
- Subchapter 5 pertains to reports.
- Subchapter 6 states what type of license is required to sell cigarettes.
- Subchapter 7 sets forth the records to be kept.
- Subchapter 8 pertains to the subject of assessments.