



NEW JERSEY GENERAL ASSEMBLY

CHRISTOPHER P. DEPHILLIPS
ASSEMBLYMAN, 40TH DISTRICT
PARTS OF BERGEN, ESSEX, MORRIS
AND PASSAIC COUNTIES
201C FRANKLIN AVENUE
MIDLAND PARK, NJ 07432
TEL: (201) 444-9719
FAX: (201) 444-9732
EMAIL: asmdephillips@njleg.org

COMMITTEES
JUDICIARY
SCIENCE, INNOVATION AND TECHNOLOGY
FINANCIAL INSTITUTIONS AND INSURANCE

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Testimony of Assemblyman Christopher DePhillips to the Assembly Telecommunications and
Homeland Security Committees
Joint Hearing on Power Company Response to Tropical Storm Isaias

Thank you, Chairman and Chairwoman, for holding this critical hearing and for this opportunity to present my testimony. Unfortunately, this is simply a case of "same story, different storm."

We live in a civilized society, but the response by our power companies to serious storms over the last 10 years would suggest otherwise. Hurricane Irene; the 2011 Halloween Snow Storm; Hurricane Sandy; the March 2018 storms; and now Tropical Storm Isaias. It's the same old story, different storm.

If you listen to the utilities, you would believe that living without electricity and water for 7 to 10 days- or more- is the NORM, not the EXCEPTION. Should we really expect that senior citizens should live in the dark in their homes for 7 to 10 days every time a storm hits? Should we expect that our constituents will freeze in their homes for over a week if the storm hits in the winter, or they will suffer heat stroke if the storm hits in the summer? We are not living in an undeveloped, third world country. This is America after all.

The definition of Insanity is doing the same thing over and over again and expecting different results. I was Mayor of my town when Sandy hit, and I have been a Member of the State Assembly during the March 2018 storms and now Isaias. The response of the power companies has not changed since Sandy. The response of the BPU has not changed. Lessons have not been learned, and change has not been implemented. It's like watching the same horror movie over and over again.

The utilities are obligated under law to provide continuous, safe, and reliable service. There is no exception in the law for serious storms, and the law does not give utilities 7 to 10 days to get the lights back on after a storm hits.

I have a pending bill, A108, which will give municipalities the right to revoke a utility's franchise if that utility cannot provide continuous, safe, and reliable service. This bill unanimously passed the Telecommunications Committee in October 2018, and I hope the Committee will pass it again now and send it to the Assembly floor for a vote as soon as possible. Let's give towns the tools to pick another utility or co-op if their current utility cannot get the job done. As I said before, this is America. We should have competition in the utility industry, not a monopoly.

If there is one thing I have observed as an elected official during the last 10 years, it's that the utilities fail storm after storm to have emergency crews at the ready as the storm hits. For some unacceptable reason, they often wait 3 to 4 days after the storm has hit to put out-of-state emergency crews in place. All the while, our residents wait in the dark for the crews to arrive. The utilities need to change this unacceptable practice, and they need to pay ahead of time and have these emergency crews lined up BEFORE the storm hits. Isaias was like all the other storms—we knew it was coming, but the utilities were not prepared and they did not have the emergency crews online and ready to restore power until days after the storm did its damage.

I propose that moving forward, we give the utilities a CHOICE on how they will put their money on the table. Either they should pay to have emergency crews lined up before the storm hits, OR they should pay and provide back-up generator power for residents if power is not restored to them within 48 hours after the storm has ended. The utilities need to put their money where their mouth is.

I thank the Committees for their consideration today, and I look forward to working with my colleagues to implement policy solutions once and for all that will provide real relief to our constituents in the aftermath of future storms. Thank you.