EXECUTIVE ORDER NO. 126

WHEREAS, through Executive Order No. 102 (2020), which I signed on February 3, 2020, I created the State's Coronavirus Task Force, chaired by the Commissioner of the New Jersey Department of Health ("DOH"), in order to coordinate the State's efforts to appropriately prepare for and respond to the public health hazard posed by Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, on March 9, 2020, through Executive Order No. 103 (2020), the facts and circumstances of which are adopted by reference herein, I declared both a Public Health Emergency and State of Emergency due to the public health hazard created by COVID-19; and

WHEREAS, on April 7, 2020, I issued Executive Order No. 119 (2020), the facts and circumstances of which are adopted by reference herein, which declared that the Public Health Emergency declared in Executive Order No. 103 (2020) continues to exist; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserved the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, in response to the COVID-19 pandemic, on March 13, 2020, the Federal Communications Commission ("FCC") issued a request for the nation's telephone companies and internet providers to pledge to "Keep America Connected" and, among other things, provide 60 days of service and not terminate service due to inability to pay because of disruptions caused by COVID-19; and

WHEREAS, on March 16, 2020, through Executive Order No. 104 (2020), the facts and circumstances of which are adopted by reference herein, I adopted statewide social mitigation strategies for combatting COVID-19; and

WHEREAS, as of March 19, 2020, I instructed all State departments and agencies to utilize work-from-home arrangements for both essential and non-essential employees wherever feasible; and

WHEREAS, on March 19, 2020, the New Jersey Board of Public Utilities issued an order, Dkt. No. EO20030254, requiring that all public utilities and regulated entities immediately cease any in-home or business visits unless there is an immediate risk to health and safety in order to effectuate proper social distancing required by Executive Order No. 104 (2020); and

WHEREAS, emphasizing the critical need to maintain essential services for New Jersey residents, the Board of Public Utilities' order permitted broadband internet providers to continue to connect new customers and repair existing service for homes with school-aged children and those in need of internet access to meet job requirements or other priority customers; and

WHEREAS, in recognition that the Centers for Disease Control (CDC) has advised that social mitigation strategies for combatting COVID-19 require every effort to reduce the rate of community spread of the disease and that COVID-19 spreads most frequently through person-to-person contact when individuals are within six feet or less of one another, I issued Executive Order No. 107 (2020) on March 21, 2020, the facts and circumstances of which are adopted by reference herein, which ordered steps to mitigate community spread of COVID-19; and

WHEREAS, Executive Order No. 107 (2020) closed all preschool, elementary and secondary schools except on a limited basis for the provision of food or other essential and emergency situations; and

WHEREAS, Executive Order No. 107 (2020) instructed the Commissioner of the Department of Education to work with the school districts and schools to ensure that students are able to continue their educations through appropriate home instruction; and

WHEREAS, Executive Order No. 107 (2020) required all institutions of higher education to cease in-person instruction unless specifically authorized by the Secretary of the Office of Higher Education; and

WHEREAS, Executive Order No. 107 (2020) mandated that all businesses or non-profits in the State accommodate their workforce, wherever practicable, for telework or work-from-home arrangements because restricting the physical presence of individuals in office environments and work sites is critical to preventing future spread of COVID-19; and

WHEREAS, although many of the companies that serve New Jersey residents agreed to the FCC's Keep America Connected pledge, it is being implemented inconsistently among companies and causing uncertainty regarding the provision of residential internet and voice services; and

WHEREAS, many New Jerseyans are or will be experiencing substantial loss of income as a result of business closures, reductions in hours, or layoffs related to COVID-19, impeding their ability to keep current on payments for residential internet and voice services; and

WHEREAS, eliminating the uncertainty of how shut-off discontinuances are implemented throughout the State is paramount to ensuring that residents maintain sufficient residential internet and voice services; and

WHEREAS, during this Public Health Emergency, consistent access to residential internet and voice services are essential services that supply the necessary support to enable New Jersey residents to work and further their education in a home environment as required by Executive Order No. 107 (2020); and

WHEREAS, disconnecting residential internet and voice services may impede New Jersey residents' ability to maintain their livelihood or education while complying with Executive Order No. 107 (2020); and

WHEREAS, all cable and telecommunications providers that provide residential internet and voice services to New Jersey residents are encouraged to work with their customers, to the extent practicable, to implement a staggered repayment plan to prevent a continued

financial hardship resulting from a large sum being immediately due and owing at the end of the Public Health Emergency; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. No cable or telecommunications provider that provides residential internet and voice services to New Jersey residents shall terminate such internet and voice service due to nonpayment as long as this Order remains in effect.

2. A cable or telecommunications provider that provides residential internet and voice services to New Jersey residents may downgrade or otherwise reduce the quality of residential internet or voice services provided due to nonpayment only if acting pursuant to a policy approved in writing by the Board of Public Utilities as long as this Order remains in effect.

3. A cable or telecommunications provider that provides residential internet and voice services to New Jersey residents may collect 1) a fee or charge imposed for late or otherwise untimely payments that become due from the date of this Order for residential internet or 2) a fee or charge imposed for voice service reconnections, other than what is described in Paragraph 4, only if acting pursuant to a policy approved in writing by the Board of Public Utilities as long as this Order remains in effect.

4. Any cable or telecommunications provider that provides residential internet and voice services to New Jersey residents shall, upon request of the customer, and at no cost to the customer beyond any actual costs incurred by the provider in reconnecting the service, reconnect any residential internet or voice service that was discontinued due to nonpayment after March 16, 2020, the date Executive Order No. 104 (2020) took effect, including where the disconnection was for unpaid bills incurred prior to March 16, 2020. This Paragraph does not otherwise affect payments that are due for those residential internet and voice services.

5. To the degree that they are inconsistent with this Order, the provisions of N.J.A.C. 14:3-3A.1a(3)-(4) are suspended for the duration of this Public Health Emergency. Any provisions of these regulations that are not inconsistent with this Order remain in full force and effect.

6. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Executive Order.

7. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of Executive Order No. 126 (2020), or which will or might in any way interfere with or impede its achievement.

8. Penalties for violations of this Executive Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

9. This Order shall take effect immediately and remain in effect until 30 days following the end of the Public Health Emergency established by Executive Order No. 103 (2020), which was extended by Executive Order No. 119 (2020), and subject to future extensions. Nothing shall prevent the Governor from revoking or modifying this Order before it expires as described above.

GIVEN, under my hand and seal this 13th day of April, Two Thousand and Twenty, and of the Independence of the United States, the Two Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor