



Agenda Date: 1/28/09
Agenda Item: VIIC

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.nj.gov/bpu/

CUSTOMER ASSISTANCE

IRA ROSENTHAL,)	ORDER ADOPTING INITIAL DECISION
Petitioner,)	SETTLEMENT
)	
v.)	
)	
NEW JERSEY AMERICAN WATER COMPANY,)	BPU DOCKET NO. WC08030157U
Respondent.)	OAL DOCKET NO. PUC 6043-08

(SERVICE LIST ATTACHED)

BY THE BOARD:

On March 18, 2008, Ira Rosenthal ("Petitioner") filed a petition with the Board requesting a formal hearing related to an alleged improper billing by New Jersey American Water Company ("Respondent") for water services.

After the filing of Respondent's answer, the Board transmitted this matter to the Office of Administrative Law ("OAL") for hearing and initial disposition as a contested case pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. This matter was assigned to Administrative Law Judge ("ALJ") Joseph F. Martone.

While this matter was pending at the OAL, the parties engaged in negotiations and entered into and signed a Settlement Agreement ("Agreement") that was submitted to the ALJ. By Initial Decision issued on December 12, 2008, and submitted to the Board on December 19, 2008, to which the Agreement was attached and made part thereof, ALJ Martone found that the Agreement was voluntary, that its terms fully disposed of all issues in controversy and that it satisfied the requirements of N.J.A.C. 1:1-19.1. Pursuant to the terms of their Agreement, the parties have agreed that, of the total disputed amount of \$636.77¹, the Petitioner will pay to the

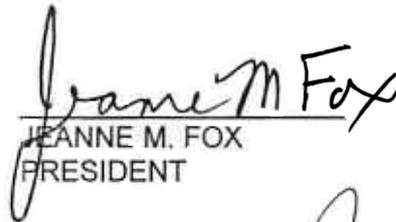
¹ The Board notes that the petition and Initial Decision reference a claimed disputed amount of \$750.00. Because the parties have agreed to full and final settlement of the matter, the Board construes the Settlement Agreement as an indication that the difference between \$636.77 and \$750.00 has been resolved and is no longer in dispute.

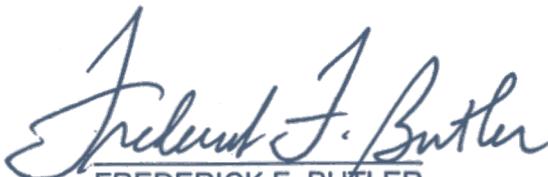
Respondent the amount of \$226.52 in one payment by November 15, 2008. The parties further agreed that the Petitioner would dismiss the petition against the Respondent filed in this matter with prejudice.

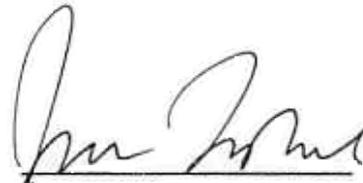
After a review and consideration of the Initial Decision and the agreement of the parties, the Board HEREBY FINDS that, by the terms of the agreement, the parties have resolved all outstanding contested issues in this matter. Accordingly, the Board HEREBY ADOPTS the Initial Decision and agreement of the parties in their entirety as if fully set out herein.

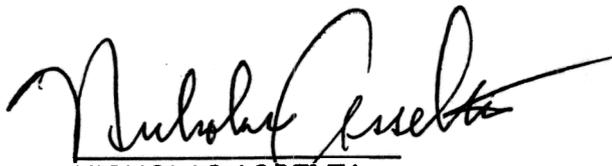
DATED: 1/28/09

BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER



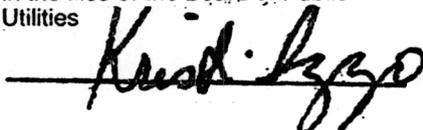

NICHOLAS ASSELTA
COMMISSIONER


ELIZABETH RANDALL
COMMISSIONER

ATTEST:


KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities



**IRA ROSENTHAL
v.
NEW JERSEY AMERICAN WATER COMPANY**

**BPU DOCKET NO. WC08030157U
OAL DOCKET NO. PUC 6043-08**

SERVICE LIST

Ira Rosenthal
565 Capri L
Delray Beach, Florida 33484

Robert J. Brabston, Esq.
New Jersey American Water Company
167 J.F. Kennedy Parkway
Short Hills, New Jersey 07078

Eric Hartsfield, Director
Julie Ford-Williams
Division of Customer Assistance
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CMS
BESLOW
RPA

KIRSCHBAUM

~~JOA WILLIAMS~~

(2)



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 6043-08

AGENCY DKT. NO. WC08030157

RECEIVED
CASE MANAGEMENT
2008 DEC 19 AM 11:10
BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

IRA ROSENTHAL,

Petitioner,

v.

**NEW JERSEY AMERICAN WATER
COMPANY,**

Respondent.

Ira and Barbara Rosenthal, petitioners, pro se

Robert J. Brabston, Esq., for respondent

Record Closed: November 18, 2008

Decided: December 12, 2008

BEFORE JOSEPH F. MARTONE, ALJ:

Petitioners appeal a billing dispute in the amount of \$750.00 for estimated water usage for their place of residence at 101 Enclave Boulevard, Lakewood, NJ. This matter was transmitted to the Office of Administrative Law (OAL) on June 26, 2008, for determination as a contested case, pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13 and a hearing was scheduled. Prior to the hearing date, the parties settled the matter and an executed settlement was forwarded to the OAL.

I have reviewed the record and the terms of settlement and I **FIND**:

- 1 The parties have voluntarily agreed to the settlement as evidenced by their agreement or their representatives' agreement as set forth above.
2. The settlement fully disposes of all issues in controversy and is consistent with the law.

I **CONCLUDE** that this agreement meets the requirements of N.J.A.C. 1:1-19.1 and that the settlement should be approved. I approve the settlement and therefore **ORDER** that the parties comply with the settlement terms and that these proceedings be concluded.

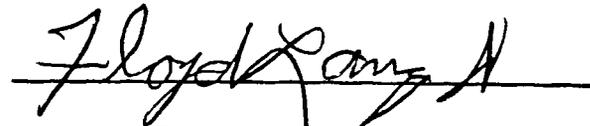
hereby **FILE** my initial decision with the **BOARD OF PUBLIC UTILITIES** for consideration.

This recommended decision may be adopted, modified or rejected by the BOARD OF PUBLIC UTILITIES, which by law is authorized to make a final decision in this matter. If the Board of Public Utilities does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

December 12, 2008
DATE


JOSEPH F. MARTONE, ALJ

Date Received at Agency: 12/19/08



Mailed to Parties:



LOURIE ANDERSON
CHIEF ADMINISTRATIVE LAW JUDGE

DEC 17 2008

DATE

OFFICE OF ADMINISTRATIVE LAW

mph

Settlement Agreement

This Settlement Agreement is made by and between NEW JERSEY-AMERICAN WATER COMPANY, INC. ("NJAWC"), a corporation doing business at 131 Woodcrest Road, Cherry Hill, New Jersey 08034 and Ira Rosenthal, a NJAWC customer residing at 101 Enclave Blvd, Lakewood, NJ, 08701 and having NJAWC Account Number [REDACTED] 9990 ("Customer") (NJAWC and Customer are collectively hereinafter sometimes referred to as the "Parties"). In consideration of the mutual covenants, conditions and terms contained herein, the Parties to this Settlement Agreement agree to be legally bound hereby as follows:

1. The Parties agree that of the \$636.77 disputed balance on the account, Customer will pay NJAWC \$226.52 in full and final settlement in the manner as described below.
2. Customer will make one-time payment to NJAWC in the amount of two hundred twenty-six dollars and fifty-two cents (\$226.52) by November 15, 2008.
3. Customer agrees to dismiss his complaint filed against NJAWC under BPU Docket No. WC08030157U /OAL Docket No. PUC 06043-2008S with prejudice.
4. This Settlement Agreement shall be governed by, construed and enforced in accordance with the laws of the State of New Jersey. In the event that any provision of this Settlement Agreement is deemed unenforceable, those portions not deemed unenforceable shall remain in full force and effect.
5. Any modification of this Settlement Agreement, or additional obligation(s) assumed by either party in connection with this Settlement Agreement, shall be binding only if evidenced in writing and signed by each party.

IN WITNESS WHEREOF, the Parties understand and agree to the terms of this Settlement Agreement and have duly executed this Settlement Agreement on this 3rd day of November, 2008. The parties acknowledge that this Settlement Agreement is entered into voluntarily and that no representation or inducement has been offered or made, except as contained herein. Customer further acknowledges that he has fully reviewed this Settlement and understands its contents.

WITNESS

Barbara Rosenthal

CUSTOMER:

By: Ira Rosenthal

Ira Rosenthal

WITNESS:

Donna Carney

New Jersey-American Water Company, Inc.

By: Robert J. Brabston

Robert J. Brabston



State of New Jersey
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BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

A copy of the administrative law judge's
decision is enclosed.

This decision was mailed to the
parties on DEC 17 2008