



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

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

CUSTOMER ASSISTANCE

ERIC SMITH,
Petitioner,

v.

NEW JERSEY AMERICAN WATER COMPANY,
Respondent.

) ORDER ADOPTING INITIAL DECISION
) SETTLEMENT
)

BPU DOCKET NO. WC08060419U
OAL DOCKET NO. PUC 09535-08

(SERVICE LIST ATTACHED)

BY THE BOARD:

On June 20, 2008, Eric Smith ("Petitioner") filed a petition with the Board requesting a formal hearing seeking payment for emergency repairs related to his water service provided by New Jersey American Water Company ("Respondent").

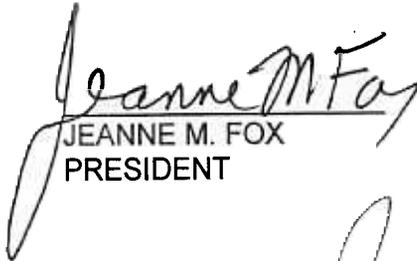
After the filing of Respondent's answer, the Board transmitted this matter to the Office of Administrative Law ("OAL") for hearing and initial disposition as a contested case pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. This matter was assigned to Administrative Law Judge ("ALJ")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

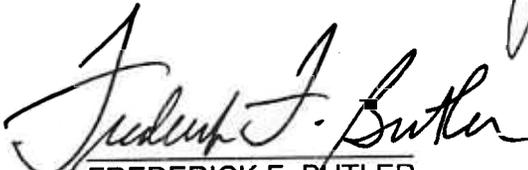
While this matter was pending at the OAL, the parties engaged in negotiations and entered into and signed a Settlement Agreement ("Agreement") that was submitted to the ALJ. By Initial Decision issued on December 9, 2008, and submitted to the Board on December 12, 2008, to which the Agreement was attached and made part thereof, ALJ Cookson 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. On December 17, 2008 the Board requested that the forty-five day limit to render a Final Decision be extended from January 26, 2008 until March 12, 2008, which was granted on December 22, 2008. Pursuant to the terms of their Agreement, the parties have agreed that the Respondent will pay to the Petitioner the sum of \$1,750.00 in full and final settlement of this matter. In return, the Petitioner has agreed to dismiss his petition filed against the Respondent with prejudice.

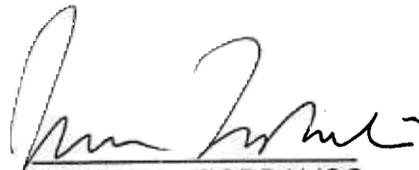
After a review and consideration of the Initial Decision and the agreement of the parties, the Board HEREBY FINDS that, by the terms of the agreement, the parties have resolved all outstanding contested issues in this matter. Accordingly, the Board HEREBY ADOPTS the Initial Decision and agreement of 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


JOSEPH L. FIORDALISO
COMMISSIONER

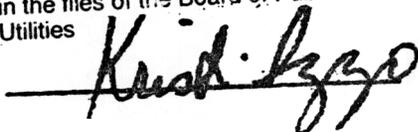

NICHOLAS ASSELTA
COMMISSIONER


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



**ERIC SMITH
v.
NEW JERSEY AMERICAN WATER COMPANY**

**BPU DOCKET NO. WC08060419U
OAL DOCKET NO. PUC 09535-08**

SERVICE LIST

Eric Smith
P.O. Box 187
Fanwood, New Jersey 07023

Suzana Loncar, 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
Board of Public Utilities
Two Gateway Center
Newark, New Jersey 07102

Kerri Kirschbaum, DAG
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07102

CMS

BEJLOW
RPA

KIRSCHBAUM

~~FORJ WILLIAMS~~ ②



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

RECEIVED
CASE MANAGEMENT

2008 DEC 12 PM 2:21

BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 09535-08

AGENCY DKT. NO. WC08060419U

ERIC SMITH,

Petitioner,

v.

NEW JERSEY-AMERICAN WATER COMPANY,

Respondent.

Eric Smith, petitioner pro se

Suzana Loncar, Corporate Counsel, for respondent New Jersey American Water
Company

Record Closed: December 9, 2008

Decided: December 9, 2008

BEFORE GAIL M. COOKSON, ALJ:

On August 11, 2008, this matter was transmitted to the Office of Administrative Law (OAL) for hearing 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; On October 16, 2008, I convened an in-person settlement conference at which time significant progress toward an amicable resolution was reached. The parties subsequently submitted a fully executed settlement document which is attached hereto and made part hereof. I have reviewed the record and terms of the Settlement Agreement and **FIND:**

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

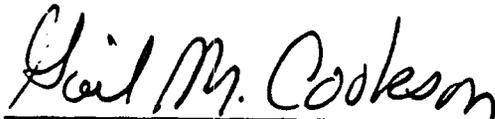
I **CONCLUDE** that the agreement meets the requirements of N.J.A.C. 1:1-19.1 and therefore, it is **ORDERED** that the matter be deemed dismissed with prejudice and that these proceedings be and are hereby concluded.

I 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 (45) 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.

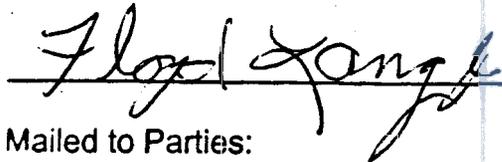
December 9, 2008

DATE



GAIL M. COOKSON, ALJ

Date Received at Agency: 12-12-08



Mailed to Parties:

DATE

pb

OFFICE OF ADMINISTRATIVE LAW

Eric Smith v. New Jersey American Water

BPU Docket No. WC08060419U/OAL Docket No. PUCCC 09535-2008N

Settlement Agreement

This Settlement Agreement is made by and between **NEW JERSEY AMERICAN WATER ("NJAW")**, a corporation doing business at 131 Woodcrest Road, Cherry Hill, New Jersey 08034 and **Eric Smith**, owner of the premises at 1016 East Elizabeth Avenue, Linden, New Jersey, and to which premises NJAW provides water service ("Plaintiff"). (NJAW and Plaintiff are collectively hereinafter sometimes referred to as the "Parties".) The Account Number assigned to Plaintiff's tenant at these premises, who is the customer of record, as that term is defined at N.J.A.C. 14:3-1.2, is ~~XXXX~~6173. 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 NJAW will pay Plaintiff \$1,750.00 in full and final settlement of this matter.
2. Plaintiff agrees to dismiss his complaint filed against NJAW under BPU Docket No. WC08060419U/OAL Docket No. PUCCC 09535-2008N, with prejudice.
3. 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.
4. 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 2nd day of DEC, 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. The Parties further acknowledge that in executing this agreement, neither Customer nor NJAW admits any liability or fault regarding any and all issues raised within BPU Docket No. WC08060419U/OAL Docket No. PUCCC 09535-2008N. Plaintiff further acknowledges that he has fully reviewed this Settlement and understands its contents.

WITNESS:

Christine E. Hurley

PLAINTIFF:

By: Eric Smith

Eric Smith

WITNESS:

Doreen Linnay

New Jersey American Water

By: Suzana Lorcar

Suzana Lorcar



RECEIVED
MAIL ROOM

State of New Jersey 08 DEC 12 AM 9:39
OFFICE OF ADMINISTRATIVE LAW
33 Washington Street
Newark, New Jersey 07102
(973) 648-6008
(973-648-6058)
BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

Robert J. Giordano, ALJ &
Manager of Organizational Development

RECEIVED
CASE MANAGEMENT
2008 DEC 12 PM 2:17
BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

NORTH

Date DEC 10 2008

Re: Initial Decisions for Receipt

We are hereby forwarding to you the following decisions from the office of Administrative Law. **Receipt is acknowledged as of the next business day of the date indicated below.** Should a listed decision not be included in this batch, please call 973-648-6008.

OAL Docket No. PUC

Case Name

9535-08

ERIC SMITH

Board of Public Utilities
Two Gateway Center
Newark, New Jersey 07102

Date: _____

Board of Public Utilities