



Agenda Date: 2/11/10

Agenda Item: VIIC

**STATE OF NEW JERSEY**

**Board of Public Utilities**

**Two Gateway Center**

**Newark, NJ 07102**

**www.nj.gov/bpu/**

CUSTOMER ASSISTANCE

HOLY ROSARY DAY CARE INC., D/B/A	)	ORDER ADOPTING INITIAL DECISION
RISING SUN ACADEMY	)	SETTLEMENT
Petitioner,	)	
v.	)	
	)	
PUBLIC SERVICE ELECTRIC AND GAS	)	BPU DOCKET NO. EC08100959U
COMPANY	)	OAL DOCKET NO. PUC1381-09
Respondent	)	

Rosemary Nwosu, Executive Director, Newark, New Jersey, on behalf of the Petitioner

Sheree L. Kelly, Esq., PSEG Services Corporation, Newark, New Jersey, on behalf of the Respondent

**BY THE BOARD:**

On October 28, 2008, Holy Rosary Day Care Inc., d/b/a Rising Sun Academy ("Petitioner") filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to a billing dispute with Public Service Electric and Gas Company ("Respondent" or "PSE&G") regarding a bill for utility service provided by 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") Irene Jones

While this matter was pending at the OAL, the parties engaged in negotiations and entered into and signed a Stipulation of Settlement ("Settlement") that was submitted to the ALJ. By Initial Decision issued on January 6, 2010, and submitted to the Board on January 8, 2010, to which the Settlement was attached and made part thereof, ALJ Jones found that the Settlement 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 the Settlement, Petitioner has agreed to pay \$2,500.00 over a period of twenty-five (25) months at \$100.00 per month plus current bills starting on January 15, 2010. Petitioner has also agreed that on a going forward basis, it will pay its PSE&G bills for electric and gas service in a timely manner.

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

DATED: 2/11/10

BOARD OF PUBLIC UTILITIES  
BY:



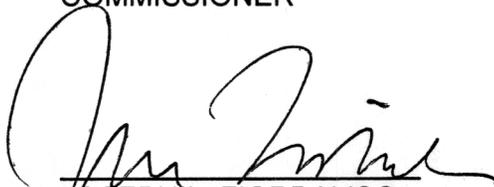
ELIZABETH RANDALL  
ACTING PRESIDENT



FREDERICK F. BUTLER  
COMMISSIONER



JEANNE M. FOX  
COMMISSIONER

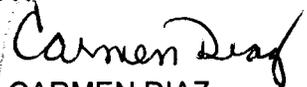


JOSEPH L. FIORDALISO  
COMMISSIONER



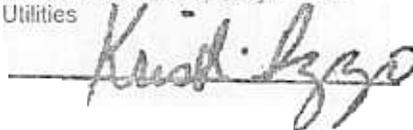
NICHOLAS ASSELTA  
COMMISSIONER

ATTEST:



CARMEN DIAZ  
ACTING SECRETARY

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



**HOLY ROSARY DAY CARE INC., D/B/A RISING SUN ACADEMY**

**v.**

**PUBLIC SERVICE ELECTRIC AND GAS COMPANY**

**BPU DOCKET NO. GC08100959U**

**OAL DOCKET NO. PUC01381-09**

**SERVICE LIST**

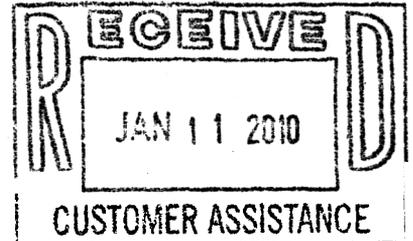
Rosemary Nwosu, Executive Director  
Holy Rosary Day Care Inc., d/b/a Rising Sun Academy  
535 Martin Luther King Boulevard  
Newark, New Jersey 07102

Sheree L. Kelly, Esq.  
PSEG Services Corporation  
80 Park Plaza – T5G  
Newark, New Jersey 07102-4194

Eric Hartsfield, Director  
Julie Ford-Williams  
Division of Customer Assistance  
Board of Public Utilities  
Two Gateway Center  
Newark, New Jersey 07102

Jessica Campbell, DAG  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

CMS  
BESLOW  
RPA  
CAMPBELL  
~~FOR WILLIAMS~~  
②



**INITIAL DECISION**

**SETTLEMENT**

OAL DKT. NO. PUC 1381-09

AGENCY DKT. NO. EC08100959U

**HOLY ROSARY DAY CARE INC.,**

**D/B/A RISING SUN ACADEMY**

Petitioner,

v.

**PUBLIC SERVICE ELECTRIC AND GAS**

**COMPANY**

Respondent.

RECEIVED  
2010 JAN -8 PM 3:01  
BOARD OF PUBLIC UTILITIES  
NEWARK, N.J.

Rosemary Nwosu, petitioner, pro se

Sharee L. Kelly, Esq., for respondent Public Service Electric and Gas  
Company (Board of Public Utilities, Law Department)

Record Closed: December 23, 2009

Decided: January 6, 2010

BEFORE IRENE JONES, ALJ:

**STATEMENT OF THE CASE**

On January 22, 2009, 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. 52:14F1 to -13.

A hearing date was scheduled for May 1, 2009 but adjourned to allow respondent time to conduct further discovery. The hearing was rescheduled to July 2, 2009, and continued to November 13, 2009 when parties agreed to settle the matter. The Stipulation of Settlement and Dismissal with Prejudice indicating the terms of settlement was signed by the parties and is attached hereto.

After reviewing the record and the settlement, I **FIND**:

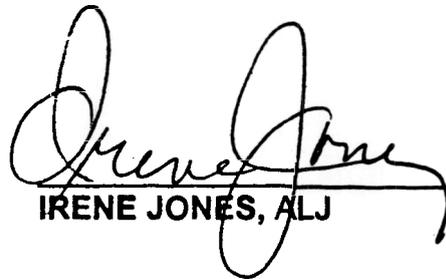
1. The parties have voluntarily agreed to the settlement as evidenced by the signatures or the signatures of the representatives.
2. The settlement fully disposes of all issues in controversy and is consistent with the law and is in the public interest.

Therefore, I **CONCLUDE** that this agreement meets the requirements of N.J.A.C. 17:27-19.1(d) and should be approved. It is further **ORDERED** that the parties comply with the settlement terms and the proceedings be **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.

January 6, 2010  
DATE

  
IRENE JONES, ALJ

Date Received at Agency: 1-8-10  
FZB

January 6, 2010  
Mailed to Parties:

January 6, 2010  
DATE  
sej

OFFICE OF ADMINISTRATIVE LAW

Sheree L. Kelly  
Assistant Regulatory Counsel

Law Department  
80 Park Plaza, T5G, Newark, NJ 07102-4194  
tel: 973.430.6468 fax: 973.430.5983  
email: sheree.kelly@pseg.com



December 23, 2009

Honorable Thomas E. Clancy  
Office of Administrative Law  
33 Washington Street  
Newark, NJ 07102-3011

Re: Holy Rosary Day Care, Inc. c/o Rosemary Nwosu  
d/b/a Rising Sun Academy v. PSE&G  
BPU Docket No.: EC08100959U  
OAL Docket No.: PUC 01381-2009N  
Stipulation of Settlement

Dear Judge Clancy:

Enclosed please find a signed Stipulation of Settlement with reference to the above-captioned matter.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sheree L. Kelly" followed by a stylized flourish.

Sheree L. Kelly

SLK/jb  
Enclosure

cc: Rosemary Nwosu (w/enc.)  
Edward B. Sullivan (w/enc.)

STATE OF NEW JERSEY  
OFFICE OF ADMINISTRATIVE LAW

Holy Rosary Day Care, Inc. c/o Rosemary Nwosu d/b/a Rising Sun Academy Petitioner	)
v.	)
Public Service Electric and Gas Company, Respondent	)

OAL Docket No. PUC 01381-2009N  
BPU Docket No. EC08100959U  
  
STIPULATION OF SETTLEMENT

This matter having been brought before the Office of Administrative Law by the Petitioner, Holy Rosary Day Care d/b/a Rising Sun Academy ("Petitioner"), against Respondent Public Service Electric and Gas Company ("PSE&G" or "Respondent") for utility service rendered by PSE&G to the premises 535 Martin Luther King Boulevard, Newark, NJ (the "Property") and the Parties having agreed to settle this matter, hereby set forth the terms and conditions of their settlement agreement as follows:

1. Petitioner agrees to pay \$2,500.00 over twenty-five (25) months at \$100.00/month plus current bills starting on January 15, 2010 on account no. 67 020 657 01.
2. Going forward, Petitioner agrees to pay their PSE&G bill for electric and gas service in a timely manner.

Petitioner: Holy Rosary Day Care  
d/b/a Rising Sun Academy

Respondent: PSE&G

By: Benedette [Signature]  
Rosemary Nwosu

By: [Signature]  
Edward B. Sullivan  
Manager Customer Operations

Date: 12-23-09 Rosemary Nwosu

Date: 12/23/09

COPY



COPY

State of New Jersey  
OFFICE OF ADMINISTRATIVE LAW  
33 Washington Street  
Newark, New Jersey 07102  
(973) 648-6008  
(973-648-6058)

Robert J. Giordano, ALJ &  
Manager of Organizational Development

10 JAN 9 PM 2:42  
RECEIVED  
ALJ ROOM

NORTH

Date JAN 7 2010

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
<u>1381-09</u>	<u>Holy ROSARY DAY CARE INC. D/ATA Rising SUN ACADEMY</u>
<u>11358-09</u>	<u>Robert &amp; SARA JACOBS</u>
<u>13093-09</u>	<u>Rob Grenoble</u>

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

Date: 1-8-10

Board of Public Utilities