



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

CUSTOMER ASSISTANCE

DENNIS R. MCKENZIE)	ORDER ADOPTING INITIAL DECISION
PETITIONER)	SETTLEMENT
v.)	
)	
NEW JERSEY AMERICAN WATER COMPANY,)	BPU DOCKET NO. WC08010056U
RESPONDENT)	OAL DOCKET NO. PUC 07215-08

(SERVICE LIST ATTACHED)

BY THE BOARD:

On January 15, 2008, Dennis R. McKenzie (Petitioner) filed a petition with the Board of Public Utilities (Board) disputing certain bills of 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) Gail M. Cookson.

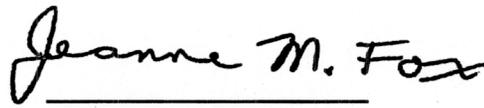
While this matter was pending at the OAL, the parties engaged in negotiations and entered into and executed a Settlement Agreement dated August 10, 2008 that was submitted to the ALJ. By Initial Decision issued on August 20, 2008, and submitted to the Board on August 26, 2008, ALJ Cookson found that the agreement was voluntary, that its terms fully disposed of all issues in controversy and that it met the requirements of N.J.A.C. 1:1-19.1. Pursuant to the terms of their settlement, the parties agreed that, of the \$7,854.67 balance on the account, the Petitioner will pay \$5,500.00 to the Respondent in full and final settlement of this matter through payments of \$200.00 per month over the course of twenty-seven and one half (27-1/2) months, commencing on August 10, 2008. In return, Petitioner agreed that the petition in this matter should be dismissed with prejudice.¹

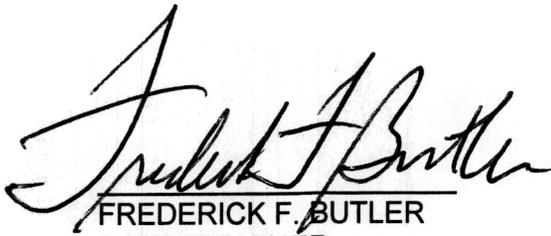
¹The Board notes that while the docket numbers set out at the top of the Settlement Agreement are correct, those included in paragraph 4 of the agreement incorrectly reflect the docket numbers assigned to a different billing dispute regarding the Respondent and another customer. Notwithstanding this typographical error, the intent of the parties is clear as the matter that is the subject of this Order is the only matter filed with the Board by Mr. McKenzie.

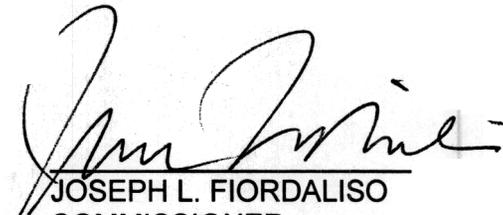
After a review and consideration of the Initial Decision and the agreement of the parties, the Board HEREBY FINDS that, by the terms of the agreement, the parties have resolved all outstanding contested issues in this matter. Accordingly, the Board HEREBY ADOPTS the Initial Decision and agreement of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

DATED: 10/6/08

BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT

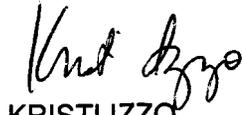

FREDERICK F. BUTLER
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

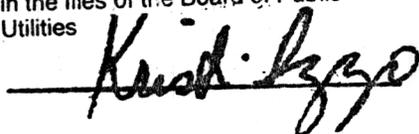

NICHOLAS ASSELTA
COMMISSIONER


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



DENNIS R. McKENZIE

v.

NEW JERSEY AMERICAN WATER COMPANY

BPU Docket No. WC08010056U

OAL Docket No. PUC07215-08

SERVICE LIST

Dennis R. McKenzie
944 Kensington Avenue
Plainfield, New Jersey 07060-2620

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Newark, New Jersey 07102

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CMS
BESLOW
RPH



KIRSCHBAUM
FOTU-WILLIAMS
②

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 07215-08

AGENCY DKT. NO. WC08010056U

DENNIS R. MCKENZIE,

Petitioner,

v.

NEW JERSEY AMERICAN

WATER COMPANY,

Respondent.

RECEIVED
CASE MANAGEMENT
2008 AUG 26 PM 1:12
BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

Dennis R. McKenzie, pro se

Robert J. Brabston, Esq., for respondent New Jersey American Water Company

Record Closed: August 19, 2008

Decided: August 20, 2008

BEFORE GAIL M. COOKSON, ALJ:

On June 5, 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. The matter was scheduled for an in-person prehearing conference on July 22, 2008. On that date the parties reached an agreement. 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 and **FIND:**

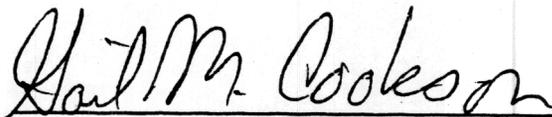
1. The parties have voluntarily agreed to the settlement as evidenced by the signatures of the parties or their representatives.
2. The settlement fully disposes of all issues in controversy and is consistent with law.

I **CONCLUDE** that the agreement meets the requirements of N.J.A.C. 17:1-19.1 and therefore, it is **ORDERED** that the parties comply with the settlement terms 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.

August 20, 2008
DATE



GAIL M. COOKSON, ALJ

Date Received at Agency: 8/16/08



Mailed to Parties:

DATE
pb

OFFICE OF ADMINISTRATIVE LAW

Dennis R. McKenzie v. New Jersey American Water Company
BPU Docket No. WC08010056U/OAL Docket No. PUCCC 07215-2008N

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 **Dennis R. McKenzie**, a NJAWC customer residing at 944 Kensington Avenue, Plainfield, NJ 07060, and having NJAWC Account Number 52-0057100-7 ("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 \$7,854.67 balance on the account, Customer will pay NJAWC \$5,500.00 in full and final settlement in the manner as described below.
2. Customer will make payments to NJAWC in the amount of two hundred dollars (\$200.00) per month over the course of twenty-seven and one half (27 ½) months, commencing on August 10, 2008.
3. In addition to making the monthly payments described in Paragraph 2 of this Settlement Agreement, Customer will also make timely and complete payments of his water bills going forward as of the date of this Settlement Agreement.
4. Customer agrees to dismiss his complaint filed against NJAWC under BPU Docket No. WC08020121U/OAL Docket No. PUCCC 05834-2008N with prejudice and will provide written notification to NJAWC and the Honorable Gail Cookson, ALJ, that he has done so.
5. 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.
6. 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 10 day of AUG, 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:

Jennifer A McKenzie

CUSTOMER.

By: Dennis R McKenzie
Dennis R. McKenzie

WITNESS:

Donna Carney

New Jersey-American Water Company, Inc.

By: Suzana Loncar
Suzana Loncar

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

COPY

Robert J. Giordano, ALJ &
Manager of Organizational Development

RECEIVED
CASE MANAGEMENT
2008 AUG 26 PM 1:12
BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

NORTH

Date AUG 22 2008

RECEIVED
MAIL ROOM
08 AUG 25 PM 4:23
BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

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

5834-08

Theodore URBANWA

7215-08

DENNIS R. MCKENZIE

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

Date:

8/24/08

Floyd Rana
Board of Public Utilities