



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

ENERGY

| | | |
|---|---|---|
| MICHAEL C. RYAN, Petitioner |) | ORDER ADOPTING INITIAL DECISION SETTLEMENT |
| |) | |
| |) | |
| v. |) | |
| |) | |
| ATLANTIC CITY ELECTRIC COMPANY, Respondent |) | BPU DOCKET NO. EC07080620 OAL DOCKET NO. PUC 8238-07 |
| |) | |
| |) | |

(SERVICE LIST ATTACHED)

BY THE BOARD:

On August 8, 2007, Michael C. Ryan (Petitioner) filed a petition with the Board of Public Utilities (Board) asserting certain reliability and customer service concerns related to electric service provided by Atlantic City Electric 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) W. Todd Miller.

While this matter was pending at OAL, the parties engaged in negotiations and entered into and executed a Stipulation of Settlement and a Stipulation of Dismissal with Prejudice (Stipulations) that were submitted to the ALJ. The Stipulation of Settlement commits Atlantic City Electric Company to providing improvements to the existing electric distribution infrastructure serving Mr. Ryan's neighborhood, in addition to implementing other reliability initiatives, by certain agreed upon dates. By Initial Decision issued on May 20, 2008, and submitted to the Board on May 29, 2008, to which the Stipulations were attached and made part thereof, ALJ Miller found that the agreements set out in the Stipulations were voluntary, that their terms fully disposed of all issues in controversy and that they met the requirements of N.J.A.C. 1:1-19.1.

After review and consideration of the Initial Decision and the Stipulation of Settlement and the Stipulation of Dismissal with Prejudice, which are attached hereto and made a part hereof, the Board HEREBY FINDS that the terms of the Stipulations represent a fair and reasonable resolution of all outstanding contested issues. The Board's approval of the Initial Decision and

Stipulation of Settlement is subject to the condition that all activities undertaken pursuant to the Stipulation of Settlement are performed in accordance with law, including the Board's regulations and applicable notices.

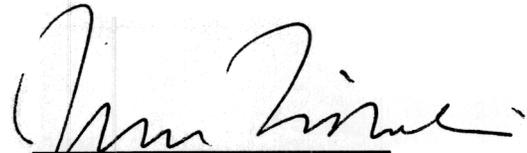
Accordingly, the Board HEREBY ADOPTS the Initial Decision and the Stipulations in their entirety and, as a result, the petition in this matter is HEREBY DISMISSED with prejudice.

DATED: 7/14/08

BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

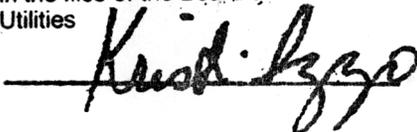

NICHOLAS ASSELTA
COMMISSIONER


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



MICHAEL C. RYAN

v.

**ATLANTIC CITY ELECTRIC COMPANY
BPU DOCKET NO. EC07080620
OAL DOCKET NO. PUC 8238-07**

SERVICE LIST

Michael C. Ryan
7349 Driftwood Lane
Mays Landing, New Jersey 08330

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Pepco Holdings Inc.
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CMS

~~RECLAW~~

DPA

NORRIS, A

COMBS, M

FORD-Williams (2)



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

2008 MAY 29 PM 3:29
NEWARK, NJ

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INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 8238-07

AGENCY DKT. NO. EC07080620

MICHAEL C. RYAN,

Petitioner,

v.

ATLANTIC CITY ELECTRIC COMPANY,

Respondent.

Michael C. Ryan, petitioner, pro se

Philip J. Passanante, Esq., Assistant General Counsel, for respondent

Record Closed: May 15, 2008

Decided: May 20, 2008

BEFORE W. TODD MILLER, ALJ:

This matter was transmitted to the Office of Administrative Law on October 3, 2007, 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.

The parties have agreed to a settlement and have prepared a Settlement Agreement indicating the terms thereof, which is attached and fully incorporated herein.

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

- 1 The parties have voluntarily agreed to the settlement as evidenced by their signatures or their representatives' signatures.
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.

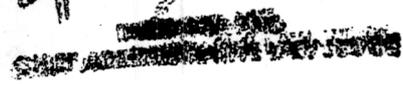
hereby **FILE** my initial decision with the **BOARD OF PUBLIC UTILITIES** for consideration.

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.

May 20, 2008
DATE

W. Todd Miller
W. TODD MILLER, ALJ

Date Received at Agency: 5/29/08

Floyd J. ...
Mailed to Parties:


MAY 23 2008

DATE

OFFICE OF ADMINISTRATIVE LAW

MICHAEL C. RYAN,

Petitioner,

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

v.

ATLANTIC CITY ELECTRIC COMPANY,

Respondent.

OAL Docket No. PUC 8238-07
BPU Docket No. EC07080620

STIPULATION OF SETTLEMENT

The undersigned *pro se* Petitioner, Michael C. Ryan (herein, "Petitioner"), and Respondent, Atlantic City Electric Company (herein, "ACE"), through its undersigned counsel, hereby stipulate that, as of this 6th day of May, 2008, the following is an agreed settlement by and between the parties hereto in connection with the above captioned matter. Petitioner and Respondent will be collectively referred to herein as the "Parties."

WHEREAS, ACE currently provides electric service to Petitioner at a residence located at 7349 Driftwood Lane, Mays Landing, New Jersey 08330, Account No. 0433959-9999-8; and

WHEREAS, by letter dated August 8, 2007, Petitioner filed a written petition ("Petition") with the New Jersey Board of Public Utilities (herein, the "Board"), Docket No. EC07080620, asserting certain reliability and customer service concerns; and

WHEREAS, by letter dated August 10, 2007, Petitioner filed an amended written petition ("Amended Petition") with the Board; and

WHEREAS, ACE filed an Answer to the Petition with the Board on or about September 17, 2007; and

WHEREAS, the matter was transferred by the Board to the Office of Administrative Law (Atlantic City vicinage) and was assigned Docket No. PUC 8238-07; and

WHEREAS, the Parties have come to a complete and final agreement resolving all issues and claims related thereto and between them.

NOW, THEREFORE, in consideration of their mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties, each intending to be legally bound, hereby agree as follows:

1. The Stipulation of Settlement is entered into as an accord and satisfaction of disputed claims and is not to be construed as an admission of liability by either party of any matter of fact or law.

2. ACE agrees to install poles and wire, and perform tree trimming activities to provide a primary benefit to 12 customers in the immediate area surrounding Petitioner's home (referred to herein as "Phase I"). The estimated completion date of Phase I is May 31, 2008.

3. ACE agrees to effectuate improvements to the infrastructure that serves Cherry, Garden, Driftwood and Highbank, which improvements include replacing existing wire with "tree wire" (referred to herein as "Phase II"). The estimated completion date of Phase II is September 30, 2008.

4. ACE agrees to replace a section of wire off Weymouth Road with "open wire" or "spacer cable" and to perform related tree trimming (referred to herein as "Phase III"). The estimated completion date of Phase III is June 30, 2008.

5. The Parties agree and acknowledge that ACE's fulfillment of its obligations under this Stipulation of Settlement is dependent upon the receipt of (a) all required Federal, State, county, municipal and/or private consents and approvals and (b) all right-of-ways and other permits. Petitioner agrees to reasonably assist ACE in obtaining any required right-of-ways, approvals or other consents or permits from owners of property affected by Phase I, Phase II and/or Phase III.

6. ACE agrees to install a manual switching capability to supply Petitioner's Driftwood Lane residence from either the Black Horse Pike North line or from the Black Horse Pike South line as part of Phase II on or by September 30, 2008.

7. In the event that Phase I, Phase II and Phase III are not completed within a reasonable time, ACE acknowledges and agrees that Petitioner may, but not sooner than March 31, 2009, file a motion with the Board to compel ACE to perform its obligations as outlined herein, subject to the limitations in Paragraph 5, above.

8. In consideration of the above, and subject to Paragraph 6 above, Petitioner will withdraw and dismiss any and all other allegations contained in the Petition and the Amended Petition with Prejudice. No other damages, relief and/or administrative action will be sought by Petitioner against ACE related to the allegations embodied in, and relief sought by, the Petition and the Amended Petition.

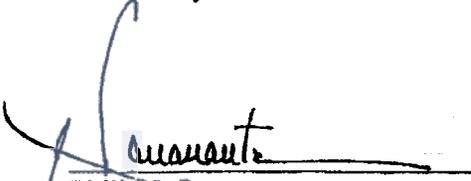
9. Each of the Parties to this Stipulation of Settlement affirms and acknowledges: (a) that the party, or a representative of the party with the authority to execute this document, has read and understood this Stipulation of Settlement; (b) that the terms of this Stipulation of Settlement and the effects thereof have been fully explained to

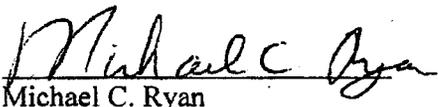
that party or its representative; (c) that the party or its representative fully understands each term of this Stipulation of Settlement and its effect and has had an opportunity to confer with counsel; and (d) that no party has relied on any statement, representation or inducement (whether material, false, negligently made or otherwise) with respect to said party's decision to execute this Stipulation of Settlement.

10. This Stipulation of Settlement shall not be modified or amended, nor shall any of its provisions be waived, unless such modification, amendment or waiver is memorialized in a writing, signed by the Parties hereto.

11. This Stipulation of Settlement shall be binding upon and shall inure to the benefit of the Parties hereto and their respective successors and assigns, provided, however, that neither party shall assign or delegate this document, in whole or in part, without the prior written consent of the other party hereto.

12. The Parties agree to file, in the form attached hereto as Exhibit A, a Stipulation of Dismissal with Prejudice of all claims which were or could have been asserted by and between them in connection with the above-docketed matter.


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Assistant General Counsel
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Michael C. Ryan
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(609) 625-1223 (Home)
(609) 402-1269 (Cell)

Dated: May 12, 2008

Dated: May 6, 2008

MICHAEL C. RYAN,

Petitioner,

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

v.

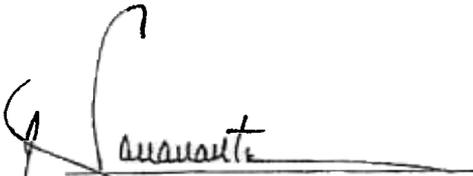
ATLANTIC CITY ELECTRIC COMPANY,

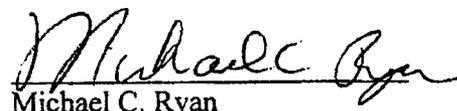
Respondent.

OAL Docket No. PUC 8238-07
BPU Docket No. EC07080620

STIPULATION OF DISMISSAL WITH PREJUDICE

The parties to this action, Petitioner and Respondent, hereby stipulate that the above-captioned action may be dismissed, with prejudice, as a settlement has been reached by all parties hereto.


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(609) 625-1223 (Home)
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Dated: May 12, 2008

Dated: May 6, 2008