



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

CUSTOMER ASSISTANCE

PETER T. HIGGINS)	ORDER ADOPTING INITIAL DECISION
PETITIONER)	SETTLEMENT
v.)	
)	
MIDDLESEX WATERCOMPANY,)	BPU DOCKET NO. WC07110883U
RESPONDENT)	OAL DOCKET NO. PUC 745-08

(SERVICE LIST ATTACHED)

BY THE BOARD:

On November 19, 2007, Peter T. Higgins (Petitioner) filed a petition with the Board disputing the bill of Middlesex 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 (ALJ) Judge Ronald W. Reba.

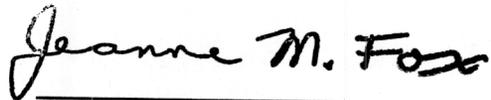
While this matter was pending at the OAL, the parties engaged in negotiations and reached a settlement that was placed on the record before the ALJ on May 15, 2008. By Initial Decision issued on June 11, 2008, and submitted to the Board on June 18, 2008, ALJ Reba found that the agreement was voluntary, 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 the Petitioner would pay \$175.98, which is one-half of the total arrearages of \$351.96. In addition, Petitioner agreed to pay the current bill in the amount of \$65.53 received on May 14, 2008, and to pay all future bills in a timely manner.

After a review and consideration of the Initial Decision and the agreement of the parties, the Board HEREBY FINDS that the terms of the agreement represent a fair and reasonable

resolution of all outstanding contested issues. Accordingly, the Board HEREBY ADOPTS the Initial Decision and agreement of the parties in their entirety as if fully set out herein.

DATED: 7/31/08

BOARD OF PUBLIC UTILITIES
BY:



JEANNE M. FOX
PRESIDENT



FREDERICK F. BUTLER
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER



NICHOLAS ASSELTA
COMMISSIONER



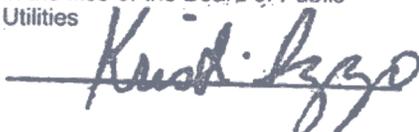
ELIZABETH RANDALL
COMMISSIONER

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



PETER T. HIGGINS

v.

**MIDDLESEX WATER COMPANY
BPU Docket No. WC07110883U
OAL Docket No. PUC 745-08**

SERVICE LIST

Peter T. Higgins
4 Buttonwood Drive
Somerset, New Jersey 08873

Kenneth J. Quinn, Esq.
Middlesex Water Company
1500 Ronson Road
P.O. Box 1500
Iselin, New Jersey 08830

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

RECEIVED
CASE MANAGEMENT
2008 JUN 18 PM 2:32
BOARD OF PUBLIC UTILITIES
NEWARK, N.J.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

CMS
BESLOW
RPA
MILLER, C

~~FOR WILLIAMS~~
(2)

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 745-08

AGENCY DKT. NO. WC07110883U

PETER T. HIGGINS,

Petitioner,

v.

MIDDLESEX WATER COMPANY,

Respondent.

Peter T. Higgins, petitioner, pro se

Kenneth J. Quinn, Esq., for respondent

Record Closed: June 6, 2008

Decided: June 11, 2008

BEFORE RONALD W. REBA, ALJ:

This matter was transmitted to the Office of Administrative Law (OAL) on February 21, 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.

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

I have reviewed the record and the settlement terms and I **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.

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 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.

JUNE 11, 2008
DATE

Ronald W. Reba
RONALD W. REBA, ALJ

Date Received at Agency: 6/18/08

Floyd Xiang

Mailed to Parties:

James Sanders
JAMES SANDERS
CHIEF ADMINISTRATIVE LAW JUDGE

OFFICE OF ADMINISTRATIVE LAW

JUN 12 2008
DATE

/cad



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW
9 Quakerbridge Plaza
P.O. Box 049
Trenton, New Jersey 08625-0049
(609) 588-6584

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BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

A copy of the administrative law judge's

~~JUN 12 2008~~

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PETER T. HIGGINS :
- VS - :
MIDDLESEX WATER COMPANY :
OAL DOCKET NO. PUCC00745-2008S :
AGENCY REFERENCE NO. WC07110883U :

B E F O R E :

The HONORABLE RONALD W. REBA,
Administrative Law Judge, at the Office of
Administrative Law, Quakerbridge Road,
Building Nine, Mercerville, New Jersey,
08625, on Thursday, May 15, 2008, at 11:55
o'clock A.M.

J. H. BUEHRER & ASSOCIATES
2295 BIG ENOUGH WAY
TOMS RIVER, JERSEY 08755
(732) 557-4755

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A P P E A R A N C E S

For the Petitioner,
Middlesex Water Company:

KENNETH J. QUINN, ESQUIRE
Vice President, General Counsel,
Secretary and Treasurer
MIDDLESEX WATER COMPANY
1500 Ronson Road
Iselin, New Jersey 08830-3020

PETER T. HIGGINS, Pro Se

1 THE COURT: Let me go on the
2 record. Good morning, everyone.

3 This is Thursday, May 15, 2008,
4 at the Offices of Administrative Law. I'm
5 Ronald W. Reba, and I am the Administrative
6 Law Judge. We're over at Quakerbridge
7 Plaza Courthouse.

8 We're here today to conduct the
9 matter of Peter Higgins versus Middlesex
10 Water Company. Our Docket Number is OAL
11 Docket Number PUCC00745-2008S.

12 Now, can I please have the
13 representation of counsel in this matter?

14 MR. QUINN: Kenneth J. Quinn,
15 General Counsel for Middlesex Water
16 Company.

17 THE COURT: All right. Now,
18 the plaintiff is here, Mr. Peter Higgins.

19 MR. HIGGINS: Yes, sir.

20 THE COURT: All right. Now, Mr.
21 Quinn, we've had several hours of
22 discussion in this matter certainly. As
23 to the water bill arrears, the parties have
24 come to an agreement regarding Mr. Higgins'
25 Complaint to the BPU Water Public

1 Utilities, and we have resolved it; is that
2 correct?

3 MR. QUINN: That's correct, Your
4 Honor.

5 THE COURT: Will you please put
6 what you understand to be the settlement on
7 the record?

8 MR. QUINN: I will.

9 THE COURT: By the way, you have
10 representatives from the Company?

11 MR. QUINN: Yes, I do. For the
12 record on behalf of the Company, in
13 addition to myself, are Bruce O'Connor,
14 Chief Financial Officer of the Company.

15 THE COURT: Where is Mr. O'Connor?

16 MR. O'CONNOR: Here.

17 MR. QUINN: Peter Rolleri, who is
18 the Director of Customer Service and James
19 Hutchinson, who is the Manager of the
20 Customer Service. All present.

21 THE COURT: All right. Mr. Higgins
22 does have a witness?

23 MR. HIGGINS: Patricia Berardi,
24 B-E-R-A-R-D-I.

25 THE COURT: All right. Mr. Quinn,

1 will you be so kind to put on the record
2 what you term as the settlement?

3 MR. QUINN: Yes, Your Honor. The
4 agreement reached today is that Mr. Higgins
5 will pay one-half of the outstanding
6 arrearages in connection with his billing.
7 The total amount of those arrearages is
8 three hundred and fifty-one dollars and
9 ninety-six cents for which Mr. Higgins'
10 obligation will be one-half or one hundred
11 and seventy-five dollars and ninety-eight
12 cents.

13 In addition, Mr. Higgins will pay
14 his current invoice amount of sixty-five
15 dollars and fifty-three cents in connection
16 with the most recent bill, which he
17 received yesterday.

18 So, the total due from Mr. Higgins
19 today in settlement of this matter is two
20 hundred and forty-one dollars and fifty-one
21 cents. And going forward, Mr. Higgins
22 understands and agrees that he will pay all
23 the bills on a timely basis as they are
24 submitted to him.

25 There will be no meter installed

1 at the subject premises. And if Mr.
2 Higgins has any complaints with the
3 existing meter on a going-forward basis,
4 he will contact the Company and describe
5 what the complaint is and then we will take
6 whatever steps are available to him in
7 connection with having this meter tested or
8 whatever remedies are available to him.

9 THE COURT: Okay. All right.

10 Mr. Higgins, will you raise your
11 right hand?

12 (P E T E R T . H I G G I N S,
13 sworn.)

14 THE COURT: Did you understand --
15 put your hand down, sir. Thank you very
16 much.

17 Do you understand what Mr. Quinn
18 said?

19 MR. HIGGINS: Yes, Your Honor.

20 THE COURT: Are you under any
21 medication that would impair your ability
22 to understand the terms of the settlement?

23 MR. HIGGINS: No, Your Honor.

24 THE COURT: You understand,
25 now, you do have your right to a trial

1 today --

2 MR. HIGGINS: Yes, Your Honor, I
3 do.

4 THE COURT: -- and you're in front
5 of me and you can present witnesses on your
6 behalf, and you can cross-examine
7 Middlesex; do you understand that, and to
8 be cross-examined yourself? Do you
9 understand that?

10 MR. HIGGINS: Yes, Your Honor.

11 THE COURT: Do you understand that
12 I am not part of this settlement, even
13 though I discussed the matter with you,
14 the settlement, you and Mr. Quinn agreed
15 on the settlement that you made yourselves;
16 is that right?

17 MR. HIGGINS: Yes, Your Honor.

18 THE COURT: And do you think it's
19 fair under the circumstances?

20 MR. HIGGINS: Yes, Your Honor.

21 THE COURT: And do you understand
22 what will happen if this Complaint will be
23 withdrawn?

24 MR. HIGGINS: Yes, sir.

25 THE COURT: Do you understand it's

1 a settlement?

2 MR. HIGGINS: Yes, I do.

3 THE COURT: Anything that comes
4 thereafter will have to be a new Complaint.
5 You have to contact the BPU --

6 MR. HIGGINS: I understand that.

7 THE COURT: -- or the Water Company
8 first, as Mr. Quinn said; do you understand
9 that?

10 MR. HIGGINS: Yes.

11 THE COURT: Do you have any
12 questions concerning the settlement or
13 anyone else?

14 MR. HIGGINS: Oh, the settlement
15 is agreed upon, and I'm writing out a
16 check immediately. It's been handed to him
17 and I consider the matter resolved.

18 THE COURT: Mr. Quinn, on the
19 bill itself --

20 MR. QUINN: That's correct.

21 THE COURT: -- not the meter.

22 And the settlement is the bill

23 MR. QUINN: That's correct.

24 THE COURT: What happens today
25 with the bills, and you'll report to the

1 Company? You'll contact the Company, I
2 guess, to make sure there's not a problem
3 where you turn the water off. You agree
4 to pay the bills going forward?

5 MR. HIGGINS: Yes, Your Honor.
6 Can I ask one question?

7 THE COURT: Yes.

8 MR. HIGGINS: Let just say,
9 hypothetically, I get a bill for fifty
10 thousand gallons, say, something happens,
11 what are my rights? What am I supposed to
12 do?

13 MR. QUINN: The first thing you
14 want to do is contact the Company and tell
15 the Company the basis for your concerns,
16 the basis for your objection, and then the
17 Company will discuss with you the next
18 steps to be taken.

19 MR. HIGGINS: Thank you.

20 THE COURT: All right. And they
21 will tell you what his rights are with
22 the BPU?

23 MR. QUINN: Correct.

24 THE COURT: Or anything else?

25 MR. QUINN: Yes, Your Honor.

1 MR. HIGGINS: Understood.

2 THE COURT: Okay?

3 MR. HIGGINS: Understood.

4 THE COURT: Any other questions?

5 MR. HIGGINS: No, sir.

6 MR. QUINN: No, Your Honor,
7 nothing.

8 THE COURT: All right. Then this
9 matter will be settled. We'll mark it
10 settled at the hearing.

11 And my understanding is, Mr.
12 Higgins and Mr. Quinn, is that the court
13 stenographer will provide a copy of the
14 transcript of this to my department, my
15 office, yourself and Mr. Higgins.

16 MR. QUINN: That's correct.

17 THE COURT: And it will be
18 attached to the Order in this matter; is
19 that correct?

20 MR. QUINN: Yes, Your Honor.

21 THE COURT: And I know for the
22 record, Mr. Higgins will give you a check.

23 MR. QUINN: Yes, sir. I just
24 received a check from Mr. Higgins drawn on
25 the account of Mrs. Mary Higgins, number

1 1154, dated May 15, 2008, payable to
2 Middlesex Water Company in the amount of
3 two hundred and forty-one dollars and
4 fifty-one cents, which is the agreed-upon
5 amount as specified previously.

6 THE COURT: All right. So, you
7 agreed with everything and the case is
8 settled.

9 (At which time there was an off
10 the record discussion.)

11 (The hearing was concluded at
12 12:00 o'clock P.M.)

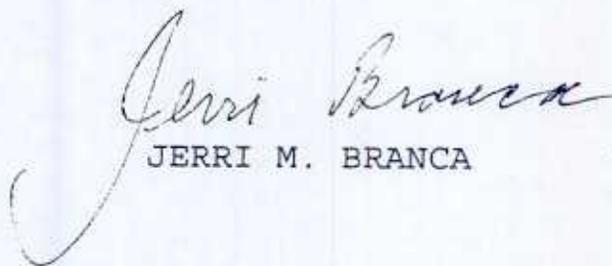
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C E R T I F I C A T I O N

I, JERRI M. BRANCA, Court Reporter,
of the State of New Jersey, do hereby
certify that the foregoing is a true and
correct transcript of the testimony taken
in the within matter.


JERRI M. BRANCA

DATED: *May 26 2008*