



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

CUSTOMER ASSISTANCE

MEIR BERTRAM, PETITIONER)	ORDER ADOPTING INITIAL DECISION
v.)	SETTLEMENT
NEW JERSEY AMERICAN WATER COMPANY, RESPONDENT)	
)	BPU DOCKET NO. WC08070511U
)	OAL DOCKET NO. PUC12745-08

Charles Winetsky, Esq., Winetsky and Winetsky, Linden, New Jersey, for the Petitioner

Daniel J. Bitonti, Esq., Cozen O'Connor, Cherry Hill, New Jersey, for the Respondent

BY THE BOARD:

On July 22, 2008, Meir Bertram ("Petitioner") filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing regarding a billing dispute with 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") Walter M. Braswell.

While this matter was pending at the OAL, the parties engaged in negotiations and entered into and executed a Stipulation of Settlement Agreement and Release (Agreement) that was submitted to the ALJ. By Initial Decision issued on October 1, 2009 and submitted to the Board on October 7, 2009, ALJ Braswell 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 the Agreement, the parties agreed that: (1) Petitioner shall pay the Respondent \$50,000 in four (4) monthly installments, the first installment being due thirty (30) days from the entry of the Agreement; (2) Petitioner will dismiss its petition with prejudice and release any and all claims it may have with respect to past bills against the Respondent; (3) Upon payment of the amount specified in the Agreement within the prescribed time periods, Respondent will release all claims for unpaid past due amounts with respect to the affected account; (4) Petitioner shall fix any and all leaks associated with the fire service line that is the subject of this dispute, and Petitioner agrees to pay the fixed rate for the fire service line as set

forth in Respondent's tariff and for any usage associated with the line from the date of the execution of the Agreement, and shall make its meter for this line available for a reading upon reasonable notice provided by the Respondent; and (5) Should Petitioner not make payment as provided above, Respondent reserves the right to proceed with the shut-off of the account in accordance with applicable regulations and file an application with the Superior Court for the entry of a judgment for the sum due in accordance with the Agreement plus reasonable attorney's fees, less any payments received on account of the Agreement.

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 resolves 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: 11/10/09

BOARD OF PUBLIC UTILITIES
BY:



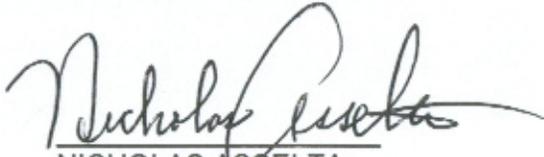
JEANNE M. FOX
PRESIDENT



FREDERICK F. BUTLER
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER

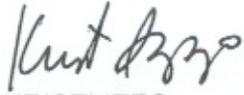


NICHOLAS ASSELTA
COMMISSIONER



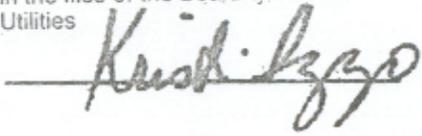
ELIZABETH RANDALL
COMMISSIONER

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



MEIR BERTRAM

v.

NEW JERSEY AMERICAN WATER COMPANY

BPU Docket No. WC08070511U

OAL Docket No. PUC12745-08

SERVICE LIST

Charles Winetsky, Esq.
Winetsky and Winetsky
401 North Wood Avenue
P.O. Box 1053
Linden, New Jersey 07036

Daniel J. Bitonti, Esq.
Cozen O'Connor
Libertyview – Suite 300
457 Haddonfield Road
P.O. Box 5459
Cherry Hill, New Jersey 08002-2220

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

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 07102

4

CMS
BESLOW
TRJA
CAMPBELL, J
~~FORD-WILLIAMS~~ (2)



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 12745-08

AGENCY DKT. NO. WC08070511U

MEIR BERTRAM,
Petitioner,
v.
NEW JERSEY AMERICAN WATER
COMPANY,
Respondent.



Charles Winetsky, Esq. appearing on behalf of petitioner (Winetsky & Winetsky)

Daniel J. Bitonti, Esq. appearing on behalf of respondent (New Jersey American Water Company)

Record Closed: September 29, 2009

Decided: October 1, 2009

BEFORE WALTER M. BRASWELL, ALJ:

On December 31, 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. Telephone pre-hearings were conducted on February 24 and March 5, 2009. The matter was scheduled for hearing on September 11, 2009 at which time the parties reached a settlement. On September 29, 2009 the undersigned received the fully executed Stipulation of Settlement and Release executed by all parties.

I have reviewed the record and terms of the Stipulation of 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. 1:1-19.1 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.

October 1, 2009
DATE

Walter M. Braswell
WALTER M. BRASWELL, ALJ

Date Received at Agency: 10/7/09

Floyd R. Rapp

Date Mailed to Parties:
ljb



A PENNSYLVANIA PROFESSIONAL CORPORATION

SUITE 300 LIBERTYVIEW 457 HADDONFIELD ROAD P.O. BOX 5459 CHERRY HILL, NJ 08002-2220
856.910.5000 800.989.0499 856.910.5075 FAX www.cozen.com

THOMAS MCKAY, III
ATTORNEY RESPONSIBLE
FOR NJ PRACTICE

Daniel J. Bitonti
Direct Phone 856-910-5009
Direct Fax 856-494-7805
dbitonti@cozen.com

September 25, 2009

Walter M. Braswell, ALJ
Office of Administrative Law
33 Washington Street
Newark, NJ 07102

*Re: Meir Bertram v. New Jersey American Water Company
BPU Docket No. WC08070511U
OAL Docket No. PUC12745-2008 N*

Dear Judge Braswell:

Enclosed please find Stipulation of Settlement Agreement and Release executed by all parties in the above-captioned matter.

Respectfully,

COZEN O'CONNOR, PC

A handwritten signature in cursive script that reads "Daniel J. Bitonti".

By: Daniel J. Bitonti

DJB/lbs/lbs
Enclosure

cc: Charles Winetsky, Esquire (w/ enc.)
Debra Matthews (w/ enc.)

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

TREMLEY POINT ASSOCIATES, LLC

Petitioner,

vs.

NEW JERSEY-AMERICAN WATER
COMPANY, INC.

Respondent.

: BPU Docket No. WC08070511U
: OAL Docket No. PUCCC12745-2008N

: **STIPULATION OF**
: **SETTLEMENT AGREEMENT**
: **AND RELEASE**

WHEREAS, Tremley Point Associates ("Petitioner"), has filed a Petition with the Board of Public Utilities wherein it disputed bills from New Jersey-American Water Company, Inc. ("NJAWC" or "Company"), related to a fire service line (Account No. 52-0215847-2) at the property located at 3401 Tremley Point Road, Linden, New Jersey (the "Account"); and

WHEREAS, the Company answered Petitioner's Complaint and requested the Board of Public Utilities require Petitioner to pay the full amount in dispute; and

WHEREAS, the Board of Public Utilities assigned Docket No. WC08070511U to this matter and transferred it to the Office of Administrative Law, which assigned it Docket No. PUCCC12745-2008N; and

WHEREAS, the Petitioner and Company wish to resolve this matter without the necessity for further litigation;

IT IS THEREFORE STIPULATED AND AGREED AS FOLLOWS:

1. Petitioner will pay the Company \$50,000 in four monthly installments, with the first installment being due thirty (30) days from the entry of this Settlement Agreement.
2. Petitioner will dismiss its Petition with prejudice.

3. If Petitioner fails to pay the agreed amount in Paragraph 1 in the time frame specified therein, the Company reserves the right to proceed with the shut-off of the Account in accordance with applicable regulations and enter a judgment for the sum due in accordance with this Stipulation plus reasonable attorneys' fees, less any payments received on account of this Stipulation, by filing an application to the Superior Court with an affidavit of non-payment, with a copy to Petitioner's counsel.

4. Petitioner releases any and all claims it may have with respect to past bills against the Company.

5. Upon payment of the amount specified in this Settlement Agreement within the specified time periods, the Company will release any and all claims for unpaid past due amounts with respect to the Account.

6. Petitioner must fix any and all leaks associated with the fire service line that is the subject of this dispute.

7. Notwithstanding the amount set forth in this Agreement, Petitioner agrees to pay the fixed rate for the fire service line as set forth by Tariff and for any usage associated with that line from the date of the execution of this Stipulation.

8. Petitioner shall make its meter for this line available for a reading upon reasonable notice provided by the Company.

This Settlement Agreement may be subject to the Board of Public Utilities' approval.

Attorney for Petitioner:

WINETSKY AND WINETSKY

By: Charles Winetsky
Charles Winetsky

Dated: 9/15/09

Attorney for Respondent:

COZEN O'CONNOR, PC

By: Daniel J. Bitonti
Daniel J. Bitonti

Dated: 9/21/09



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

03 507 -5 PM 2:14
 RECEIVED

NORTH

Date OCT 2 2009

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

12745-08

Case Name

Meir Bertram

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

Date:

10/7/09

[Signature]
 Board of Public Utilities