



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

CUSTOMER ASSISTANCE

DUNE, INC.,)	ORDER ADOPTING INITIAL DECISION
PETITIONER,)	SETTLEMENT
v.)	
)	
PUBLIC SERVICE ELECTRIC AND)	BPU DOCKET NO. GC08110986U
GAS COMPANY, RESPONDENT.)	OAL DOCKET NO. PUC01626-09

Richard Shemtov, President, Dune, Inc., New York, New York, for the Petitioner

Alexander C. Stern, Esq., PSEG Services Corporation, Newark, New Jersey, for the Respondent

BY THE BOARD:

On November 14, 2008, Dune, Inc. (Petitioner) filed a petition with the Board disputing the billing of Public Service Electric and Gas Company (Respondent) related to the provision of utility service.

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) Mumtaz Bari-Brown.

While this matter was pending at the OAL, the parties engaged in negotiations and entered into and executed a Stipulation of Settlement (Settlement) dated by the Petitioner and the Respondent on September 8, and October 14, 2009, respectively, that was submitted to the ALJ. By Initial Decision issued on October 30, 2009, and submitted to the Board on November 6, 2009, ALJ Bari-Brown 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.

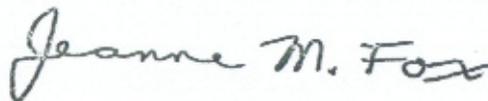
Pursuant to the terms of the Settlement, the parties agreed that: (1) Respondent shall credit the Petitioner's account in the amount of \$30,535.75 and provide Petitioner with a Statement of Account showing Petitioner's account history for gas service rendered from April 2008 through August 2009; (2) Petitioner acknowledges and accepts that as of September 14, 2009, after the

application of the aforementioned \$30,535.75 bill credit, there will still be an outstanding overdue balance on the account owed to Respondent for past gas service rendered in the amount of \$103,850.41 for which Petitioner shall make three (3) supplemental monthly payments to Respondent of \$35,000.00 in October and November 2009, and \$33,850.41 in December 2009, and also make timely payment of monthly utility bills as long as Petitioner remains a customer of Respondent; and (4) should Petitioner fail to keep the scheduled payment arrangements agreed, Respondent may exercise its collection authority in accordance with its filed tariff and the provisions of N.J.A.C. 14:3-3A.1 et seq. In addition, the parties further agreed that, should any particular aspect of the Settlement not be adopted by the Board, the party adversely affected can either accept the Board's modification or declare the Settlement to be null and void thus placing the parties in the same position that they were in prior to the execution of the Settlement.

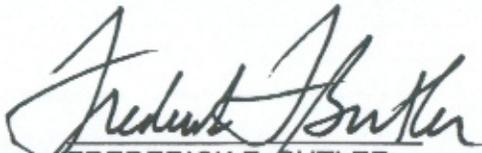
After a review and consideration of the Initial Decision and the Settlement of the parties, the Board HEREBY FINDS that the terms of the Settlement resolve all outstanding contested issues. Accordingly, the Board HEREBY ADOPTS the Initial Decision and Stipulation of Settlement of the parties in their entirety as if fully set out herein.

DATED: 12/1/09

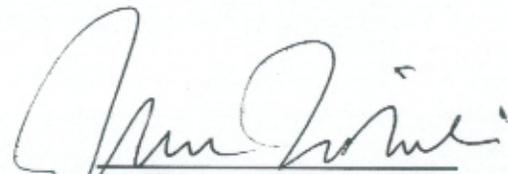
BOARD OF PUBLIC UTILITIES
BY:



JEANNE M. FOX
PRESIDENT



FREDERICK F. BUTLER
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER

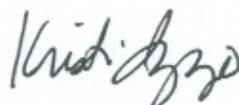


NICHOLAS ASSELTA
COMMISSIONER



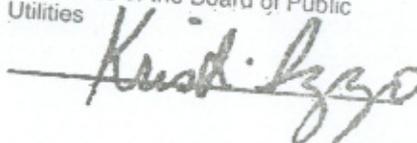
ELIZABETH RANDALL
COMMISSIONER

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



DUNE, INC.

v.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU Docket No. GC08110986U

OAL Docket No. PUC01626-09

SERVICE LIST

Richard Shemtov, President
Dune, Inc.
88 Franklin Street
New York, New York 10013

Alexander C. Stern, Esq.
PSEG Services Inc.
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

Kerri Kirschbaum, DAG
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07102

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BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

CMS

BUSLOW

RPA

KIRSCHBAUM

~~FOR RD - W. H. A. M.~~

(2)



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 01626-09

AGENCY DKT. NO. GC08110986U

DUNE, INC.,

Petitioner,

v.

PUBLIC SERVICE ELECTRIC AND

GAS COMPANY,

Respondent.

Richard Shemtov, President, pro se

Alexander C. Stern, Esq., for respondent

Record Closed: October 23, 2009

Decided: October 30, 2009

BEFORE MUMTAZ BARI-BROWN, ALJ:

This matter was transmitted to the Office of Administrative Law (OAL) on February 5, 2009, for resolution as a contested case pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F1 to -13.

The hearing was scheduled for February 4 and 5, 2010. Prior to the date of hearing the parties settled the matter. The attached Stipulation of Settlement was

submitted on October 23, 2009, indicating the terms of agreement which are incorporated herein by reference.

Having reviewed the record and the settlement terms, I **FIND**:

1. The parties have voluntarily agreed to the settlement as evidenced by their signatures and/or the signatures of their representatives.
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.

October 30, 2009
DATE

Mumtaz Bari-Brown
MUMTAZ BARI-BROWN, ALJ

Date Received at Agency: 11-6-09

Florence Tang

Date Mailed to Parties:
dr

STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

OFFICE OF
ST. JAMES
10/15/09

Dune, Inc.)
)
Petitioner,)
)
v.)
)
Public Service Electric & Gas Company)
)

Respondent.)

BPU DOCKET NO. GC08110986U
OAL DOCKET NO. 01626-2009N

STIPULATION OF SETTLEMENT

On or about December 2, 2008, Petitioner filed the above-referenced billing dispute. Public Service Electric & Gas Company ("PSE&G" or "Respondent") filed an answer to Petitioner's petition and the New Jersey Board of Public Utilities ("NJBPU" or "Board") transmitted the matter to the Office of Administrative Law ("OAL") as a contested case for adjudication.

In the interests of resolving this matter without further delay, extensive effort and cost, the parties hereto agreed to settle this matter in accordance with the following terms:

1. PSE&G agrees to credit Petitioner's account \$30,535.75.
2. PSE&G further agrees to provide Petitioner with a Statement of Account showing Petitioner's account history for gas service rendered from April 2008 through August 2009 attached hereto as Exhibit A.
3. After application of the \$30,535.75 bill credit referenced in paragraph 1, Petitioner acknowledges and accepts that, as of September 14, 2009, there will still be an outstanding overdue balance on the account owed to PSE&G for past gas service rendered by PSE&G in the amount of \$103,850.41.
4. In addition to timely paying monthly gas utility bills commencing with Petitioner's October 2009 PSE&G utility bill, to satisfy the outstanding overdue balance due for past gas service, Petitioner agrees to make three (3) supplemental monthly payments to PSE&G as follows:

(i)	October 2009	- \$35,000.00
(ii)	November 2009	- \$35,000.00
(iii)	December 2009	- \$33,850.41

5. If Petitioner fails to keep the agreement as set forth in the arrangement established in paragraph 4 above, it is understood by Petitioner that PSE&G may exercise its authority in accordance with its tariff and the provisions of N.J.A.C. 14:3-3A.1 et seq.

6. In addition to the payments under the payment arrangement established in paragraph 4 above, Petitioner agrees and understands that it must make timely payment of PSE&G monthly utility bills for utility service so long as it remains a PSE&G customer.

7. This agreement is in settlement of the Petition filed by Petitioner on or about December 2, 2008.

8. The undersigned agree that this Settlement contains mutually balancing and interdependent provisions and is intended to be accepted and approved in its entirety. In the event any particular aspect of this Settlement is not accepted and approved by the Board or modified by the Board, the party that is adversely affected by the modification can either accept the modification or declare this Settlement to be null and void, and the parties shall be placed in the same position that they were in immediately prior to its execution.

PSEG SERVICES CORPORATION
Attorneys for PSE&G

DATED: 10-14-09

By: Alexander C. Stern
Alexander C. Stern, Esq.
Assistant General Regulatory Counsel

PSE&G

DATED:

By: Edward B. Sullivan
Edward B. Sullivan
Manager of Customer Operations

DUNE, INC.

DATED:

9/8/09

By: Richard Shemtov
Richard Shemtov, President

EXHIBIT A

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

2009 NOV -7 PM 12:54
BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

NORTH

NOV 2 2009

Date _____

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
11026-09	Dune, Inc.

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

Date: 11-6-09

Board of Public Utilities