



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

CUSTOMER ASSISTANCE

PAUL LEFF,)	ORDER ADOPTING INITIAL DECISION
Petitioner)	SETTLEMENT
v.)	
)	
PUBLIC SERVICE ELECTRIC AND GAS)	BPU DOCKET NO. EC08100885U
COMPANY,)	OAL DOCKET NO. PUC12682-08
Respondent)	

Kevin N. Starkey, Esq., Starkey, Kelly, Bauer, Kenneally & Cunningham, Brick, New Jersey, for Petitioner

Sheree L. Kelly, Esq., PSEG Services Corporation, Newark, New Jersey, for Respondent

BY THE BOARD:

On October 2, 2008, Paul Leff ("Petitioner") filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to a billing dispute with Public Service Electric and Gas Company ("Respondent") regarding a bill for utility service provided by 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") Irene Jones.

While this matter was pending at the OAL, the parties engaged in negotiations and entered into and signed a Stipulation of Settlement ("Settlement") that was submitted to the ALJ. By Initial Decision issued on November 30, 2009 and submitted to the Board on December 4, 2009, to which the Settlement was attached and made part thereof, ALJ Jones found that the Settlement was voluntary, that its terms fully disposed of all issues in controversy and that it satisfied the requirements of N.J.A.C. 1:1-19.1.

Pursuant to the terms of the Settlement, Respondent has agreed to credit Petitioner's account in the amount of \$13,756.65 after which credit, Petitioner has acknowledged that there will still be an outstanding overdue balance on the account owed to Respondent for past electric and gas

service rendered in the amount of \$15,000.00. Petitioner has agreed to make timely payments for electric and gas service to be rendered by Respondent and make eight (8) supplemental monthly payments in the amount of \$1,875.00 in addition to current bills commencing with Petitioner's September 2009 bill from Respondent. The parties further agreed that should Petitioner fail to keep the aforementioned deferred agreement, the parties have further agreed that Respondent may exercise its authority in accordance with its tariff and the provisions of N.J.A.C. 14:3-3A.1 et seq.

After review of the Initial Decision and the Settlement of the parties, the Board HEREBY FINDS that, by the terms of the Stipulation of Settlement the parties have resolved all outstanding contested issues in this matter. Accordingly, the Board HEREBY ADOPTS the Initial Decision and the Stipulation of Settlement executed by the parties in their entirety as if fully set forth herein.¹

DATED: 12/17/09

BOARD OF PUBLIC UTILITIES
BY:



JEANNE M. FOX
PRESIDENT



FREDERICK F. BUTLER
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER



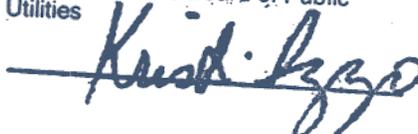
NICHOLAS ASSELTA
COMMISSIONER



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



¹ As of December 8, 2009, it is the Board's understanding that Respondent has not applied the agreed upon credit to Petitioner's account, and Petitioner has not made any payments to the account. The Board expects that the Petitioner and Respondent will abide by the terms of the Settlement shortly after the issuance of this Order.

PAUL LEFF

v.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU DOCKET NO. EC08100885U

OAL DOCKET NO. PUC12682-08

SERVICE LIST

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Eric Hartsfield, Director
Julie Ford-Williams
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Board of Public Utilities
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Newark, New Jersey 07102

Jessica Campbell, DAG
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

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CNIS
BESLOW
CAMPBELL, J

RPA

~~FOOTNOTES~~
②



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 12682-08

AGENCY DKT. NO. EC08100885U

PAUL LEFF,

Petitioner,

v.

PUBLIC SERVICE ELECTRIC AND

GAS COMPANY,

Respondent.

Kevin N. Starkey, Esq., for petitioner (Starkey, Kelly, Bauer, Kenneally
& Cunningham, attorneys)

Sheree L. Kelly, Esq., for respondent PSE&G C

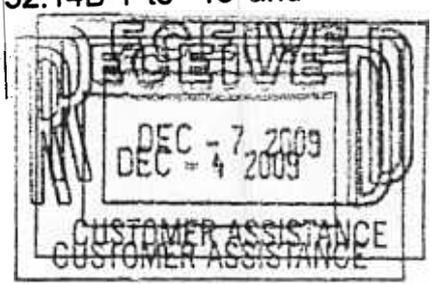
Record Closed: November 24, 2009

Decided: November 30, 2009

BEFORE IRENE JONES, ALJ:

STATEMENT OF THE CASE

On December 29, 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. 52:14F1 to -13.



A hearing was scheduled for July 15, 2009 but adjourned because the parties agreed to settle the matter. On November 24, 2009, a Stipulation of Settlement indicating the terms of settlement was signed by the parties and is attached hereto.

After reviewing the record and the settlement, **FIND:**

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

Therefore, I **CONCLUDE** that this agreement meets the requirements of N.J.A.C. 1:1-19.1(d) and should be approved. It is further **ORDERED** that the parties comply with the settlement terms and the 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 (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*.

11/30/09
DATE

Date Received at Agency: 12/4/09 F & A

Date Mailed to Parties: **DEC 3 2009**

sej

Irene Jones
IRENE JONES, ALJ
12-3-09
Silvia Sanders
DIRECTOR AND
CHIEF ADMINISTRATIVE LAW JUDGE

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

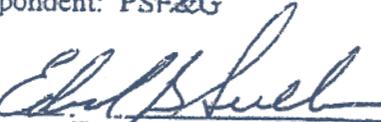
7. The undersigned agree that this Settlement contains mutually balancing and interdependent provisions and is intended to be accepted and approved in its entirety. In the event any particular aspect of this Settlement is not accepted and approved by the Board or modified by the Board, the party that 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.

Petitioner: Paul Leff

By: 

Date: 9.21.09

Respondent: PSF&G

By: 
Edward B. Sullivan
Manager Customer Operations

Date: 10/21/09



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

**A copy of the administrative law
judge's decision is enclosed.**

**This decision was mailed to the parties
on DEC 3 2009**