



Agenda Date: 10/5/10
Agenda Item: VIIB

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center, Suite 801
Newark, NJ 07102
www.nj.gov/bpu/

CUSTOMER ASSISTANCE

SCOTT RUBIN,)	ORDER ADOPTING INITIAL
Petitioner,)	DECISION SETTLEMENT
V.)	
PUBLIC SERVICE ELECTRIC AND GAS COMPANY,)	BPU DKT. NO EC09110917U
Respondent.)	OAL DKT. NO. PUC12572-09

Scott Rubin, Carteret, New Jersey, appearing *pro se*

Alexander C. Stern, Esq., Newark, New Jersey, appearing on behalf of Respondent, Public Service Electric and Gas Company

BY THE BOARD:

On November 12, 2009, Scott Rubin ("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") for utility services rendered 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") Barry E. Moscovitz.

While this matter was pending at the OAL, the parties engaged in negotiations and entered into and signed a Stipulation of Settlement ("Stipulation") that was submitted to the ALJ. By Initial Decision issued on August 24, 2010, and submitted to the Board on August 31, 2010, to which the Stipulation was attached and made part thereof, ALJ Moscovitz found that the Stipulation 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 Stipulation, the parties acknowledged that Petitioner has recently applied for the Universal Service Fund ("USF") and has already received monthly benefits which amount to a \$64.91 credit on Petitioner's bill for service provided by Respondent. Respondent has been advised by the USF program administrators that credits totaling \$980.78 will be credited to Petitioner's account, which includes the carrying over of USF benefits Petitioner accrued for the prior season totaling \$925.50 and an additional \$55.28. Petitioner's monthly USF credit for the remainder of the program year going forward has been set at \$92.55. Respondent has also agreed that it will

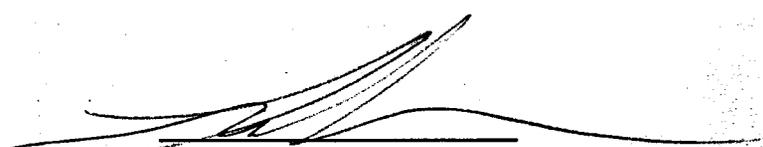
waive a \$220.00 security deposit previously placed on the account and will remove it from the account. The parties further agreed that this agreement is in full settlement of the petition filed in this matter by Petitioner.

After review of the record and the Stipulation of Settlement of the parties, the Board HEREBY FINDS that the parties have voluntarily agreed to the settlement as evidenced by their signatures and that by the terms of the Stipulation of Settlement, have fully 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.

DATED: 10/5/10

BOARD OF PUBLIC UTILITIES
BY:

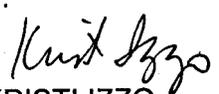

LEE A. SOLOMON
PRESIDENT

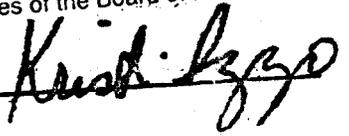

JEANNE M. FOX
COMMISSIONER


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


SCOTT RUBIN
V.
PUBLIC SERVICE ELECTRIC AND GAS COMPANY
BPU DOCKET NO. EC09110917U
OAL DOCKET NO. PUC12572-09

SERVICE LIST

Scott Rubin
2215 Emily Lane
Carteret, New Jersey 07008

Alexander C. Stern, Esq.
PSEG Services Corporation
80 Park Plaza – T5G
Newark, New Jersey 07102

Eric Hartsfield, Director
Julie Ford-Williams
Division of Customer Assistance
Board of Public Utilities
Two Gateway Center, Suite 801
Newark, New Jersey 07102

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

CMS
RESCOW
TRPA
CAMPBELL, J
FORD-WILKINS (2)



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

RECEIVED
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10 AUG 31 PM 12:16
BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 12572-09

AGENCY DKT. NO. EC09110917U

SCOTT RUBIN,

Petitioner,

v.

**PUBLIC SERVICE ELECTRIC AND
GAS COMPANY**

Respondent.

Scott Rubin, pro se

Alexander C. Stern, Esq., for respondent



Record Closed: August 24, 2010

Decided: August 24, 2010

BEFORE BARRY E. MOSCOWITZ, ALJ:

This matter was transmitted to the Office of Administrative Law (OAL) on December 30, 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 parties have agreed to and submitted the attached Stipulation of Settlement indicating the terms of the agreement. .

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.

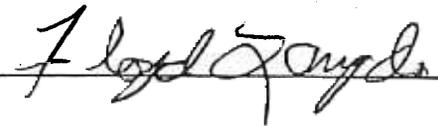
I hereby **FILE** my initial decision with the **BOARD OF PUBLIC UTILITIES** for consideration.

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.

8/24/10
DATE


BARRY E. MOSCOWITZ, ALJ

Date Received at Agency: 8-31-10



Date Mailed to Parties:
dr

STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

2009
-4 A 8:31

Scott Rubin,)	
Petitioner,)	BPU DOCKET NO. EC09110917U
)	OAL DOCKET NO. PUC 012572-2009N
v.)	
)	STIPULATION OF SETTLEMENT
Public Service Electric & Gas Company,)	
Respondent.)	

On or about November 24, 2009 Petitioner filed the above-referenced billing dispute. Public Service Electric & Gas Company ("PSE&G" or "Respondent") filed an answer to the petition and the New Jersey Board of Public Utilities ("NJBP" 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 amicably and to avoid further delay and costs to the parties, the parties hereto agreed to settle this matter in accordance with the following terms:

1. Petitioner has an account with PSE&G for electric and gas service to a premise located at 2215 Emily Lane in Carteret, New Jersey.
2. Petitioner has recently applied for and been enrolled by the State of New Jersey Department of Community Affairs Universal Service Fund ("USF") program administrators ("State of New Jersey USF program administrators") to receive monthly USF benefits in connection with utility service to the above-referenced premise. Presently, the State established monthly USF benefit for Petitioner results in a \$64.91 credit to Petitioner's monthly utility bills. However, as discussed in paragraphs 3 and 4 below, this amount will be increased.
3. Based upon PSE&G's discussions with the State of New Jersey USF program administrators, PSE&G has been advised that credits totaling \$980.78 will be credited to the Petitioner's utility account, which includes the carrying over of USF benefits Petitioner accrued for the prior season totaling \$925.50 and an additional \$55.28. The \$55.28 credit reflects the difference between the \$64.91 USF credit Petitioner received over the past two months and the increased USF credit PSE&G has been informed by the State of New Jersey USF program administrators that Petitioner will receive going forward based upon the USF program's recent recalculation of Petitioner's monthly USF benefits. It is understood that PSE&G's actions in crediting Petitioner's account in this manner are in accordance with its discussions with the State of New Jersey USF program administrators.
4. Based upon PSE&G's discussions with the State of New Jersey USF program administrators, Petitioner's monthly USF credit for the remainder of the USF program year going forward has been set at \$92.55 unless adjusted by the NJ Department of Community Affairs as the USF Program Administrator.

5. PSE&G further agrees that it will waive a \$220 security deposit previously placed on Petitioner's account and will remove it from the account.

6. This agreement is in full settlement of the Petition filed by Petitioner on or about November 24, 2009.

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.

PSEG SERVICES CORPORATION
Attorneys for PSE&G

DATED: 7/29/10

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

PUBLIC SERVICE ELECTRIC & GAS CO.

DATED: 7/29/10

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

PETITIONER

DATED: 7/26/10

By: Scott Rubin
Scott Rubin

COPY



COPY

BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

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MAIL ROOM

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

NORTH

Date AUG 30 2010

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

12572-09

SCOTT RUBIN

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

Date:

8-31-10

Board of Public Utilities

Florence G. [Signature]