



Agenda Date: 11/10/10
Agenda Item: VIII

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

CUSTOMER ASSISTANCE

HARVEY APPLGATE,
Petitioner,

ORDER ADOPTING INITIAL
DECISION SETTLEMENT

V

PUBLIC SERVICE ELECTRIC AND GAS COMPANY,
Respondent.

BPU Dkt. No. EC10050326U
OAL Dkt. No. PUC6777-10

Harvey Applegate, North Arlington, New Jersey, appearing *pro se*

Felix M. Khalatnikov, Esq., Newark, New Jersey, on behalf of Respondent, Public Service
Electric and Gas Company

BY THE BOARD:

On May 11, 2010, Harvey Applegate ("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") Michael Antoniewicz.

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 October 13, 2010, and submitted to the Board on October 18, 2010, to which the Stipulation was attached and made part thereof, ALJ Antoniewicz 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, for the first of Petitioner's two accounts in dispute, he has agreed to pay a \$2,000.00 sum as well as \$100.00 per month, plus current bills, which will be paid over twenty (20) months beginning with the November 2010 bill. Petitioner also agreed to continue to pay his bill in a timely manner. In return, Respondent will credit Petitioner's other account in the amount of \$3,000.00 and will replace Petitioner's electric and gas meters at no cost, with meters to be read remotely.

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.

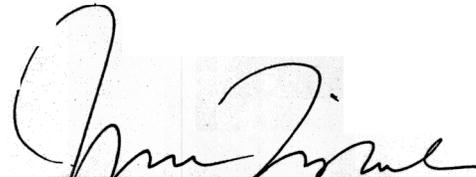
Accordingly, the Board HEREBY ADOPTS the Initial Decision and the Stipulation of Settlement executed by the parties in their entirety as if fully set forth herein.

DATED: 11/10/10

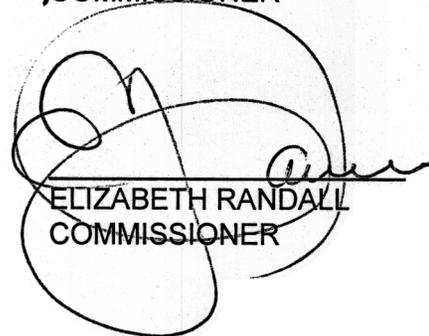
BOARD OF PUBLIC UTILITIES
BY:

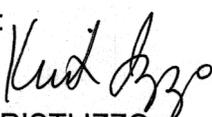

LEE A. SOLOMON
PRESIDENT


JEANNE M. FOX
COMMISSIONER

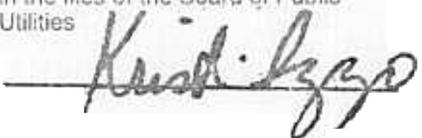

JOSEPH L. FIORDALISO
COMMISSIONER


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



HARVEY APPLGATE

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU DOCKET NO. EC10050326U

OAL DOCKET NO. PUC6777-10

SERVICE LIST

Harvey Applegate
74 Hedden Terrace
North Arlington, New Jersey 07031-6117

Felix M. Khalatnikov, Esq.
PSEG Services Corporation
80 Park Plaza – T5
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
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124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

CMS
Beslow
BPA
(2) J. Ford-Williams



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

10 OCT 18 PM 3:22
BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 6777-10

AGENCY DKT. NO. EC10050326U

HARVEY APPLGATE,

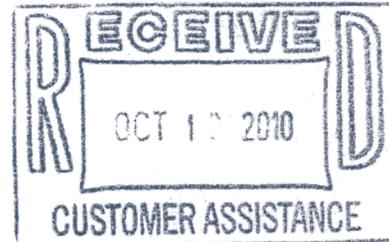
Petitioner,

v.

PUBLIC SERVICE ELECTRIC

AND GAS COMPANY,

Respondent.



Harvey Applegate, pro se

Felix M. Khalatnikov, Esq., member of the New York Bar, admitted pro hac vice, for respondent. Attorney of Record: Alexander C. Stern, Esq.

Record Closed: October 8, 2010

Decided: October 13, 2010

BEFORE MICHAEL ANTONIEWICZ, ALJ.

This matter concerns a billing dispute by petitioner Harvey Applegate against respondent Public Service Electric and Gas Company. The Board of Public Utilities transmitted this matter to the Office of Administrative Law, where it was filed on June 23, 2010, 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 matter was scheduled for hearing on September 23 2010. Prior to the commencement of the hearing, the parties engaged in discussions toward an amicable resolution of this matter. Subsequently, respondent submitted the attached Stipulation of Settlement setting forth the terms of agreement.

have reviewed the record and the settlement terms and **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

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.

10/13/10

DATE

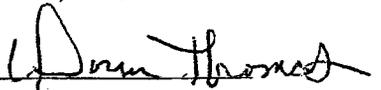
Date Received at Agency

Date Mailed to Parties

jb



MICHAEL ANTONIEWICZ, ALJ

10-18-2010 

STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

2010 OCT -8 P 3:44

STATE OF NEW JERSEY
OFFICE OF ADMIN LAW

Harvey Applegate
Petitioner

v.

Public Service Electric and Gas Company,
Respondent

OAL Docket No. PUC 06777-2010N
BPU Docket No. EC10050326U

STIPULATION OF SETTLEMENT

This matter having been brought before the Office of Administrative Law by the Petitioner, Harvey Applegate ("Petitioner"), against Respondent Public Service Electric and Gas Company ("PSE&G" or "Respondent") for utility service rendered by PSE&G to the premises [REDACTED] Hedden Terrace, North Arlington, NJ (the "Property") and the Parties having agreed to settle this matter, hereby set forth the terms and conditions of their settlement agreement as follows:

1. Petitioner agrees to pay \$2,000 on account no. [REDACTED] 292 04.
2. Petitioner agrees to pay \$100 per month plus current bills, which will be paid over 20 months to begin with the November 2010 bill.
3. PSE&G will credit Petitioner's account no. [REDACTED] 262 11 in the amount of \$3,000.
4. PSE&G has agreed to change both electric and gas meters and will replace them with meters to be read remotely at no cost to Petitioner.
5. Petitioner will continue to pay his bill in a timely manner.

Petitioner: Harvey Applegate

Respondent: PSE&G

By: Harvey Applegate

By: Edward B. Sullivan

Edward B. Sullivan

Manager Customer Operations

Date: 10/06/10

Date: 9/27/10