



Agenda Date: 6/7/10
Agenda Item: VIIB

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

CUSTOMER ASSISTANCE

PHILIP DOVICO, Petitioner)	ORDER ADOPTING INITIAL DECISION
)	SETTLEMENT
)	
V)	
)	
NEW JERSEY AMERICAN WATER COMPANY, Respondent.)	BPU Dkt. No. WC09070565U
)	OAL Dkt. No. PUC6744-09

Philip Dovico, Lakewood, NJ, Petitioner, pro se

Suzana Loncar, Esq., Short Hills, NJ, on behalf of New Jersey American Water Company,
Respondent

BY THE BOARD:

On July 29, 2009, Philip Dovico ("Petitioner") filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to a billing dispute with New Jersey American Water 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") Ronald W. Reba.

While this matter was pending at the OAL, the parties engaged in negotiations and entered into and signed a Settlement Agreement ("Agreement") that was submitted to the ALJ. By Initial Decision issued on April 22, 2010, and submitted to the Board on May 3, 2010, to which the Settlement was attached and made part thereof, ALJ Reba found that the Agreement 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 Agreement, which was executed on April 20, 2010, and in full and final settlement of all outstanding issues in this matter, Petitioner agreed to pay Respondent \$670.20 in settlement of \$1,820.27 of past arrears within thirty days of execution of the Agreement. In return, Respondent agreed to credit the

remaining balance of \$1,150.00 to Petitioner's account, resulting in a zero balance.¹ Petitioner further agreed to the dismissal of his petition with prejudice.

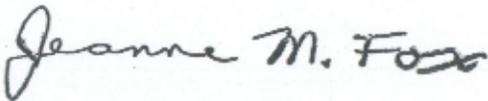
After review of the Initial Decision and the Agreement of the parties, the Board HEREBY FINDS that, by the terms of the Agreement, the parties have resolved all outstanding contested issues in this matter. Accordingly, the Board HEREBY ADOPTS the Initial Decision and the Agreement executed by the parties in their entirety as if fully set forth herein. Accordingly, the petition filed by Philip Dovico is HEREBY DISMISSED with prejudice.

DATED: 6/7/10

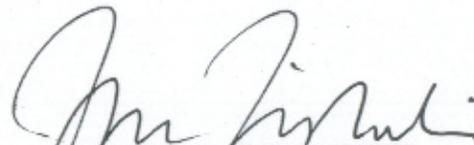
BOARD OF PUBLIC UTILITIES
BY:



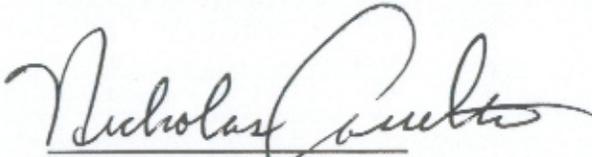
LEE A. SOLOMON
PRESIDENT



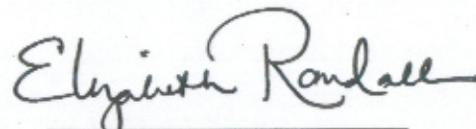
JEANNE M. FOX
COMMISSIONER



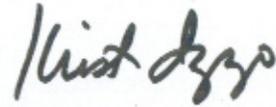
JOSEPH L. FIORDALISO
COMMISSIONER



NICHOLAS ASSELTA
COMMISSIONER

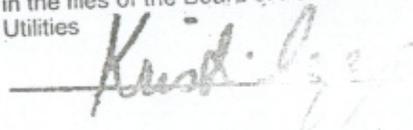


ELIZABETH RANDALL
COMMISSIONER

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



KRISTI IZZO

¹ The Board notes that according to these calculations there would remain a balance of \$.07. Nevertheless, the Board accepts the parties' agreement that Petitioner's account has a zero balance as a result of this Settlement Agreement.

PHILIP DOVICO

V.

NEW JERSEY AMERICAN WATER COMPANY

BPU DOCKET NO. WC09070565U

OAL DOCKET NO. PUC6744-09

SERVICE LIST

Philip Dovico
100 Oak Street
Lakewood, NJ 08701

Suzana Loncar, Esq.
New Jersey American Water Company
167 J.F. Kennedy Parkway
Short Hills, NJ 07078

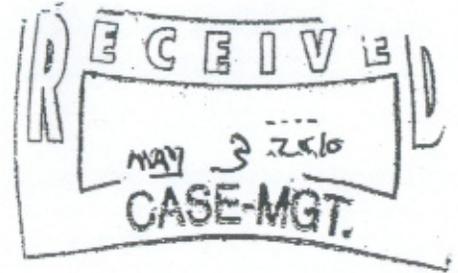
Eric Hartsfield, Director
Julie Ford-Williams
Division of Customer Assistance
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

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

CMS
BELLOW
RPA
KIRSCHBAUM
FORD WILLIAMS



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW



(2)

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 6744-09

AGENCY DKT. NO. WC09070565U

PHILIP DOVICO,

Petitioner,

v.

NEW JERSEY AMERICAN

WATER COMPANY,

Respondent.

Philip Dovico, petitioner, pro se

Suzana Loncar, Esq., for respondent

Record Closed: April 20, 2010

Decided: April 22, 2010

BEFORE RONALD W. REBA, ALJ:

This matter was transmitted to the Office of Administrative Law (OAL) on October 8, 2009, 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 parties have agreed to a settlement and have prepared a settlement agreement indicating the terms thereof, which is attached and fully incorporated herein.

I have reviewed the record and the settlement terms and I **FIND**:

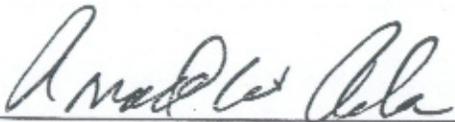
1. The parties have voluntarily agreed to the settlement as evidenced by their signatures or their representatives' signatures.
2. The settlement fully disposes of all issues in controversy and is consistent with the law.

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.

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.

APRIL 22, 2010
DATE


RONALD W. REBA, ALJ

Date Received at Agency: 5-3-2010
FZB

APR 27 2010

Date Mailed to Parties:

APR 27 2010

/cad

Philip Dovico v. New Jersey American Water Company

BPU Docket No. WC09070565U/OAL Docket No. PUC 06744-2009S

Settlement Agreement

This Settlement Agreement is made by and between NEW JERSEY-AMERICAN WATER COMPANY, INC. ("NJAW"), a corporation doing business at 131 Woodcrest Road, Cherry Hill, New Jersey 08034 and Philip Dovico, a NJAW customer residing at 100 Oak Street, Lakewood, New Jersey 08701, and having NJAW Account Number 18-1604169-1 ("Customer") (NJAW and Customer are collectively hereinafter sometimes referred to as the "Parties"). In consideration of the mutual covenants, conditions and terms contained herein, the Parties to this Settlement Agreement agree to be legally bound hereby as follows:

1. The Parties agree that Customer will pay a total of \$670.20 in settlement of past arrears (totaling \$1820.27). This amount of \$670.20 will be paid in full within thirty (30) days of today's date. Customer
The Company will credit the remaining balance of \$1,150.00 to customer's account, resulting in a zero balance on the arrears.

in full and final settlement in the manner as described below.

2. Customer agrees to dismiss his complaint filed against NJAWC under
BPU Docket No. WC09070565U
OAL Docket No. PUC 06744-2009S with prejudice.
3. This Settlement Agreement shall be governed by, construed and enforced in accordance with the laws of the State of New Jersey. In the event that any provision of this Settlement Agreement is deemed unenforceable, those portions not deemed unenforceable shall remain in full force and effect.
4. Any modification of this Settlement Agreement, or additional obligation(s) assumed by either party in connection with this Settlement Agreement, shall be binding only if evidenced in writing and signed by each party.

IN WITNESS WHEREOF, the Parties understand and agree to the terms of this Settlement Agreement and have duly executed this Settlement Agreement on this _____ day of April, 2010. The parties acknowledge that this Settlement Agreement is entered into voluntarily and that no representation or inducement has been offered or made, except as contained herein. Customer further acknowledges that he has fully reviewed this Settlement and understands its contents.

DATE:

4/20/10

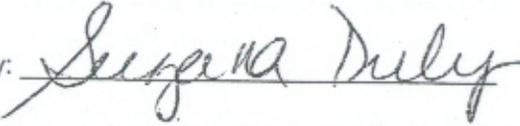
Philip Doyico:

By: 

DATE:

4/20/10

New Jersey-American Water Company, Inc.

By: 



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

9 Quakerbridge Plaza
P.O. Box 049
Trenton, New Jersey 08625-0049
(609) 588-6584

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

This decision was mailed to the

parties on APR 27 2006
APR 27 2010