



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

CUSTOMER ASSISTANCE

RAVI KOHLI,	)	ORDER ADOPTING INITIAL
	)	DECISION
Petitioner,	)	
	)	
V	)	
	)	
JERSEY CENTRAL POWER AND LIGHT COMPANY,	)	BPU Dkt. No. EC10070506U
	)	OAL Dkt. No. PUC 09900-10
Respondent,	)	

Mr. Ravi Kohli, Cranbury, NJ, Petitioner, appearing pro se

Michael J. Connolly, Esq., Morgan, Lewis & Bockius LLP, for Respondent, Jersey Central Power & Light Company

BY THE BOARD<sup>1</sup>:

On July 29, 2010, the Board of Public Utilities (“Board” or “BPU”) received Ravi Kohli’s (“Petitioner”) petition disputing Jersey Central Power and Light’s (“Respondent” or “JCP&L”) billing charges for electric services based on an inaccurate meter. On September 14, 2010, this matter was transmitted to Office of Administrative Law (“OAL”) for a contested-case hearing and was subsequently assigned to the Honorable Kimberly A. Moss, Administrative Law Judge (“ALJ”). Following an evidentiary hearing on December 17, 2010 at which time the record was closed, Judge Moss issued an Initial Decision (“ID”) dated January 11, 2011, in which she ordered that the petition be dismissed because Petitioner had provided no legally competent evidence to support his claim that the meter was inaccurate. Petitioner filed exceptions to the ID, and Respondent filed reply exceptions. By three Orders of extension, the period for the Board to render a final decision was extended until May 29, 2011. Having reviewed the record, the Board, for the reasons stated below, now adopts the ID in its entirety and incorporates it into this final decision as if fully set forth at length herein and dismisses Mr. Kohli’s petition.

<sup>1</sup> Commissioner Nicholas Asselta did not participate in this matter.

## PROCEDURAL HISTORY AND STATEMENT OF THE CASE:

On July 29, 2010, Petitioner filed his petition with the Board disputing residential billing charges of Respondent for electric service provided to 122-1 the Orchard, Cranbury, New Jersey from December 2003 to February 2009, resulting in an excessive payment of \$1,477 (Petition, at 2). On September 2, 2010, Respondent filed a Verified Answer with the Board disputing Petitioner's claims, and the matter was transmitted to the OAL as a contested case on September 14, 2010. A telephone pre-hearing was conducted on October 5, 2010, and a hearing was held on December 17, 2010, after which ALJ Moss closed the record (ID at 1-2).

During the evidentiary hearing, Petitioner testified by reading from a prepared statement. Petitioner has lived at his Cranbury, New Jersey address since December 2003. In 2008, he sensed that he was paying too much for his electric services and therefore compared his past bills from his prior address in Albany, New York, in October 2002 and 2003, with his kilowatt-hour ("KWH") usage in November 2006, November 2007, and November 2008. The Albany daily KWH usage was 10.3 and 9.4, and the Cranbury daily KWH usage was 18, 18, and 19, respectively. Because his lifestyle and energy usage had not changed from his Albany address to the Cranbury address, he determined that the JCP&L meter was inaccurate and that JCP&L was billing him for more KWH than he actually consumed (ID at 2; Transcript at 6-9; Petition at 1-2). While admitting that he is not an expert on electric meters, Mr. Kohli contends that the JCP&L meter must have been inaccurate (ID at 2-3; Transcript at 10-11).

Ms. Theresa Kirchner and Mr. Anthony Menio testified for JCP&L. Ms. Kirchner, an employee of First Energy Service Company, the parent company of Respondent, testified that Petitioner was informed that a BPU representative could be present during his meter's test for accuracy. She also testified that Petitioner's meter was removed on February 2, 2009; that First Energy sent the test results to the Board; and that accurate meters are the only true method for billing customers (ID at 3; Transcript at 44-49, 50-58).

Mr. Menio, a supervisor in Respondent's meter service department, testified that Petitioner's old meter (S31288012) was removed and tested for accuracy under a light load and a full load of electric use, pursuant to N.J.A.C. 14:5-4.3, and the meter test resulted in readings of 99.23 for light and 99.55 for full loads. The test resulted in readings of 99.23 for a light electricity load (representing a minimal use of electricity), 99.41 being the average accuracy. According to Mr. Menio, the readings represented a less than 2 percent deviation from complete accuracy (which would be a meter reading of 100) and that the Board regulations allows a plus or minus of two percent, i.e., anywhere from 98 percent to 102 percent. Mr. Menio also testified that the test results are downloaded to a computer; that the R-6, R-7, and R-8 times represent the times for such a download; and that the old meter tested within Board standards (ID at 3-4; Transcript at 72-76; 80-82).

In her initial decision, ALJ Moss relied on N.J.A.C. 14:3-4.6(a), which states:

Whenever a meter is found to be registering fast by more than two percent, or in the case of water meters, more than one and one-half percent, an adjustment of charges shall be made in accordance with this section. No adjustment shall be made if a meter is found to be registering less than 100 percent of the service provided [ID at 4].

ALJ Moss determined that the meter's average accuracy registered at 99.41 and that since this number falls within the 2 percent deviation from absolute accuracy permitted by N.J.A.C. 14:3-4.6(a), Respondent accurately billed Petitioner for service. Additionally, ALJ Moss stated that Petitioner "provided no legally competent evidence to his support his claim that the meter was inaccurate." (ID at 4). As a result, ALJ Moss found that Respondent need not adjust Petitioner's prior bills and, therefore, dismissed Petitioner's petition. [ID at 5].

On January 28, 2011, Mr. Kohli filed with the Board a one-page Exception in which he asserted:

I am in the receipt of the decisions of OAL and respectfully disagree because find certain inconsistencies [sic] in the observations.

- 1 I never asked the company to change the meter. I just complained about the disproportionately high bills. The company replaced the meter on its own. When the company first contacted me to collect information on appliances, (no space heater was ever used as heat and hot water are included in the rent ), I was not aware if BPU had any role to play, this is why I have been writing to department of consumer affairs who forwarded my complaint to BPU.
2. **I became aware of the change of meter only after I received the February 2009 bill in March 2009.**
3. The company lied to me about the availability of prior statements of bills, saying **"records are held for two years" when the company actually held it for six years.** Therefore, it is fair to conclude that the company has been lying in other aspects of billing and testing as it had all the time to recalibrate the malfunctioning meter and report the data as such.
4. The judge based her decision only on the legality of testing of old meter **as presented by the company**, on which I had absolutely no access and control and totally ignored the role of the new meter which is the sole basis of my petition and request for relief.
5. **Nobody has been able to explain to me the precipitous drop in usage recorded by the new meter as against the old.**
6. **BOTH METERS CANNOT BE CORRECT FOR THE SAME LOCATION.**
7. As BPU is authorized to reject the decision, I humbly request that BPU should use this authority to reject the decision in favor of giving relief requested in the revised claim of \$1,1116 to restore public confidence in the company and BPU.  
[all emphases original].

On January 24, 2011, JCP&L filed its Reply to Petitioner's Exceptions ("Reply"), and filed an annotated supplemental version of the Reply on January 28, 2011, because Respondent had not as of January 24, 2011, received an official hearing transcript. JCP&L proceeded to rebut in detail each of Petitioner's seven exceptions (Reply at 9-16). To summarize, Respondent asserted that the petitioner's Exceptions "are substantively inadequate and without merit to

justify any modification or change” to the ID (Reply at 1). Also, JCP&L argued that the weight of the evidence as set forth in the Initial Decision and as reflected in the record of the proceeding demonstrates that there was sufficient credible evidence to support the Initial Decision and therefore there is no basis to reject or modify it (Reply at 7). In addition, Respondent stated that Petitioner “present no evidence, expert or otherwise, to support his proposition that he should be billed on the basis of his historical average usage in the fact of an accurate meter test.” Reply at 8-9.

In response to Petitioner’s exceptions 1 and 2, in which he expressed that he did not ask the meter to be removed, Respondent explained that meter was removed to test it, as Petitioner had requested; the testing was done in accordance with the required regulations; Petitioner was offered an opportunity for a Board-witnessed meter test, which he refused; and, the ALJ accepted as credible Respondent’s collective testimony that the bill rendered to Petitioner were based on meter readings from an accurate meter in accordance with JCP&L’s applicable tariff provision Section 3.01, which was accepted into evidence as Respondent’s Exhibit R-4 (Reply at 9-10), citing ID at 3, 4, and 7 and Transcript at 14:14-21.

In response to Petitioner’s exception 3 that Respondent withheld the prior bill records, Respondent explained that this was a result of a misunderstanding, which was explained by Respondent’s witness Ms. Kirchner at the hearing. Furthermore, and more importantly, according to Respondent, there was no prejudice to the Petitioner in being only provided two years of history when he first requested it prior to the filing of his Petition, because six years of billing history was made available to Petitioner by Respondent’s counsel during the OAL proceeding (Reply at 10).

In response to Petitioner’s exception 4 and 6 that ALJ Moss improperly focused her determination on the testing of the Original Meter and ignored the decreased readings on the Replacement Meter, Respondent argued refutes these assertions and stated that ALJ Moss properly found that Petitioner was not an expert and provided no expert testimony and presented no competent evidence to support his claim (Reply at 11-13).

As to the Petitioner’s claim in exception 5 that no one had explained the “precipitous drop in usage recorded by the new meter as against the old,” Respondent asserted that Petitioner misapprehended the applicable standard of review. ALJ Moss was presented with credible evidence by the Respondent whereas, from Petitioner, the ALJ only received speculative evidence. Petitioner’s introduction of evidence of prior usage data for his own apartment in another state, and even his analysis of pre-and post- meter change usage, cannot be determinative of the measurement of the quantity of service actually used by Petitioner as established by meter readings on properly functioning accurate meters (Reply at 14-15).

**DISCUSSION AND FINDINGS:**

N.J.A.C. 1:1-18.4(b) states that exceptions shall:

- 1 Specify the findings of fact, conclusions of law or dispositions to which exception is taken;
2. Set out specific findings of fact, conclusions of law or dispositions proposed in lieu of or in addition to those reached by the judge;

3. Set forth supporting reasons. Exceptions to the factual findings shall describe the witnesses' testimony or documentary or other evidence relied upon. Exceptions to conclusions of law shall set forth the authorities relied upon.


Although Petitioner's exceptions grossly deviate from the standards in N.J.A.C. 1:1-18.4(b), the Board recognizes that Mr. Kohli appeared pro se and, therefore, does not reject his exceptions for procedural deficiencies. Nevertheless, the Board finds that Mr. Kohli's exceptions lack merit.

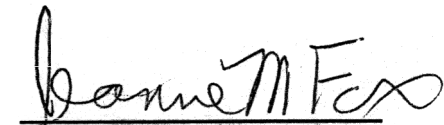
Based on the competent evidence, there can be no dispute that Petitioner's old meter was removed and tested for accuracy, pursuant to N.J.A.C. 14:5-4.3, and the meter test results indicated no need to adjust Mr. Kohli's charges under N.J.A.C. 14:3-4.6. The Board gives great weight to tests that measure meters' accuracy. For instance, a test indicating that a meter was 99.9 percent accurate stood up to a customer challenge where the customer alleged that neighbors paid less for their electricity and customer had widely fluctuating monthly bills. Edna M. Elco v. Public Service Electric and Gas Company, 96 N.J.A.R.2d 39 (Bureau of Regulatory Commissioners 1995). See also Presidential Apartments v. Hackensack Water Company, 93 N.J.A.R.2d 68 (Bureau of Regulatory Commissioners 1992) (test verified that the meter was operating within prescribed standards).

After review and consideration of the entire record, the Board HEREBY FINDS that the findings and conclusions of the ALJ are fair and reasonable and, accordingly, HEREBY ACCEPTS them. The Board further FINDS that the exceptions to the ID are without merit and that the reply exceptions of Respondent are supported by the record. Therefore, the Board HEREBY ADOPTS the Initial Decision in its entirety incorporating the terms thereof into this final decision and dismisses the petition.

DATED: 5/16/11

BOARD OF PUBLIC UTILITIES  
BY:

  
LEE A. SOLOMON  
PRESIDENT

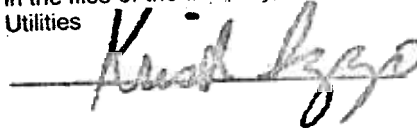
  
JEANNE M. FOX  
COMMISSIONER

  
JOSEPH L. FIORDALISO  
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



Ravi Kohli

V.

Jersey Central Power & Light Company

BPU Docket No. EC10070506U

OAL Docket No. PUC 09900-10

SERVICE LIST

Mr. Ravi Kohli  
112-I. The Orchard  
Cranbury, NJ 08512

Michael J. Connolly, Esq.  
Morgan, Lewis & Bockius LLP  
89 Headquarters Plaza North, Suite 1435  
Morristown, NJ 07960

Eric Hartsfield, Director  
Julie Ford, Bureau Chief  
Richard Lambert  
Board of Public Utilities  
Division of Customer Assistance  
Two Gateway Center, Suite 801  
Newark, NJ 07102

Alex Moreau, Deputy Attorney General  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, NJ 07101

CLP  
DAG-  
RPA  
Fred-Williams  
Customer Assistance  
Beslow



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

11 JAN 14 PM 2:58  
BOARD  
ALJ  
LS

**INITIAL DECISION**

OAL DKT. NO. PUC 09900-10

AGENCY DKT. NO. EC10070506U

**RAVI KOHLI,**  
Petitioner,  
v.

**JERSEY CENTRAL POWER  
AND LIGHT COMPANY,**  
Respondent.

---

Ravi Kohli, pro se

Michael J. Connelly, Esq., for respondent, Jersey Central Power and Light  
Company (Morgan Lewis & Bockius, attorneys)

Record Closed December 17, 2010

Decided: January 11, 2010

BEFORE KIMBERLY A. MOSS, ALJ:

**STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

Petitioner Ravi Kohli (Kohli or petitioner) filed a complaint before the Board of Public Utilities (BPU) disputing the billing charges of Jersey Central Power and Light Company (JCPL) for electric service provided to 122-1 The Orchard, Cranbury, New Jersey.

On September 14, 2010, 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. 52:14F-1 to -13. A telephone prehearing was conducted on October 5, 2010, at which time a hearing was scheduled for December 17, 2010. The hearing was held on December 17, 2010, after which I closed the record.

### **FACTUAL DISCUSSION AND FINDINGS**

#### **Background**

As the following are undisputed, **FIND** it to be the **FACTS** of this case:

Kohli is an electric customer of JCPL. He lives at 122-1 The Orchard, Cranbury, New Jersey. He has a budget-payment plan with JCPL. The bills from March 2009 forward are not in dispute. The meter was replaced in February 2009.

#### **Testimony**

##### **Ravi Kohli**

Ravi Kohli read from a prepared statement. He has lived at his current address since December 2003. In 2008, he sensed that he was paying too much for the electric bill. He compared his kilowatt-hour usage (KWH) from his prior address in Albany, New York, in October 2002 and October 2003 with his KWH usage in November 2006, November 2007, and November 2008. The Albany daily KWH usage was 10.3 and 9.4. The Cranbury daily KWH usage was 18, 18, and 19. He states that his lifestyle and habits have not changed. He is not responsible for paying the heat and hot water. He lives with his wife. He does not know the age of the building where he lives.

Once the new meter was installed, the average KWH usage from March 2009 thru February 2010 was 12.17. He believes that the prior meter malfunctioned from July



25, 2005, thru February 3, 2009 The meter that was removed was forty-seven years old

Kohli admits that he is not an expert on electronic meters, although he has an elementary knowledge of electric meters. He spoke to representatives of JCPL about his use of appliances. He did not say that he uses a space heater. He does not have a washing machine or dryer in his home. He acknowledges that JCPL does not monitor the electrical use in his home.

Theresa Kirshner

Theresa Kirshner (Kirshner) works for First Energy Service Company (First Energy). First Energy is an affiliate-holding company for other companies. She is a business analysis in compliance. She is assigned to JCPL. She has been a business analyst for the past nine years. The compliance department oversees complaints that go to the BPU. Kirshner reviews customer complaints to determine their validity.

Kirshner is familiar with Kohli's case. She received a complaint from Kohli that the meter was not functioning properly and the bills were too high. Kohli was contacted by First Energy. First Energy did a CBA, which pulls together how many KWH are potentially and possibly being used. Kohli requested a meter test. He was informed that a representative of the BPU could be present at the test. The meter was removed on February 2, 2009. First Energy sent a response to the BPU that included the meter test results.

She stated that the bills are based on the meter readings in accordance with the tariff. When a meter is accurate, it is the only true method of billing the customer.

Anthony Menio

Anthony Menio is employed by JCPL in the meter service department. He is the regional supervisor for metering operations. He oversees sixteen field personnel. A physical test of a meter takes five minutes. The meter that was taken from Kohli's

premises was tested with a light load and a full load for accuracy. A light-load test is a test of minimal usage. A full-load test is a test of average usage. The meter was tested on a calibrated test board. The results were 99.23 for a light load and 99.55 for a full load. The average was 99.41. The test results are downloaded to a computer. The test-board results are sent to the SAP system. The inspection start and stop times as shown on R-6, R-7, and R-8 represents the download time from the test board to the SAP system. The SAP system contains customer information. The results of the meter test were within the BPU standards.

Having heard the testimony and witnesses **FIND** the following additional **FACTS**

First Energy responded to Kohli's meter complaint. Kohli is not responsible for paying for heat and hot water. Kohli requested a meter test. The results of the meter test show the average accuracy of the meter to be 99.41%. The meter test results are downloaded from the test board to the SAP system.

### LEGAL ANALYSIS AND CONCLUSION

N.J.A.C. 14:3-4.6(a) states

Whenever a meter is found to be registering fast by more than two percent, or in the case of water meters, more than one and one-half percent, an adjustment of charges shall be made in accordance with this section. No adjustment shall be made if a meter is found to be registering less than 100 percent of the service provided, except under (d) below.

In this case the meter was registering at 99.41; that is, not more than two percent. The meter was accurate in accordance with the regulation. Kohli provided no legally competent evidence to his support his claim that the meter was inaccurate. I **CONCLUDE** that the meter that was removed from Kohli's home on February 2, 2009, was accurate.

ORDER


It is therefore **ORDERED** that the petition in this matter be and is hereby **DISMISSED**.

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.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **SECRETARY OF THE BOARD OF PUBLIC UTILITIES, 2 Gateway Center, Suite 801, Newark, N.J. 07102**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

JANUARY 11, 2011  
DATE

  
KIMBERLY A. MOSS, ALJ

Date Received at Agency:

Date Mailed to Parties: **JAN 12 2011**  
ljb

  
DIRECTOR AND  
CHIEF ADMINISTRATIVE LAW JUDGE

WITNESSES

For Respondent:

Theresa Kirshner  
Anthony Menio

For Petitioner:

None

EXHIBITS

For Petitioner:

- A Meter readings and payments of Ravi Kohli from September 28, 2004 to September 28, 2010
- B Lease of Ravi Kohli
- C Usage Information for November 2006, November 2007, January 2008, and January 2009
- D Bill of Niagara Mohawk
- E Meter readings and payments of Ravi Kohli with notations by Ravi Kohli
- EE Usage information from November 2009 and November 2010
- F Bill from M&M Quality Automotive
- G Letter to Ravi Kohli from Jersey Central Power and Light Company dated July 15, 2010
- H Letter to Ravi Kohli from Jersey Central Power and Light Company dated October 14, 2010  
Revised Claim of Ravi Kohli
- J Graph of KWH/Day for November 2000-2010
- K Graph of KWH/Day for October 2000-2010

For Respondent:

R-1 Contact Record for Ravi Kohli

R to N.J. U ed D ml

ey we Li ta ml Acco f R Ki

ff ecti T

Lette R Ki m th Utiliti Ji

R T m te ml

R T m im 50 34

R Atom m te tes res ts fo m te ml 80

R-9 C tome R Ki m AP ystem