



Agenda Date: 5/23/12
Agenda Item: VIIB

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CUSTOMER ASSISTANCE

LOWER FERRY ROAD GROUP, LLC,)	ORDER ADOPTING INITIAL
Petitioner)	DECISION SETTLEMENT
V.)	
PUBLIC SERVICE ELECTRIC AND GAS COMPANY,)	BPU DKT. NO. EC11100688U
Respondent)	OAL DKT. NO. PUC15134-11

Parties of Record:

James H. Laskey, Esq., on behalf of Lower Ferry Road, LLC, Petitioner
Mally Becker, Esq., on behalf of Public Service Electric and Gas Company, Respondent

BY THE BOARD:

On October 24, 2011, Lower Ferry Road, LLC ("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 to Petitioner 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") Susan M. Scarola.

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 April 25, 2012, and submitted to the Board on April 30, 2012, to which the Stipulation was attached and made part thereof, ALJ Scarola 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 agreed that, as of April 5, 2012, Petitioner had a balance of \$14,648.05 on its account. Respondent has agreed to credit Petitioner's electric charges in the amount of \$9,095.31 and to provide a credit in the amount of \$241.00 representing previously charged reconnection and field collection fees. In return, Petitioner acknowledges that after the application of the aforementioned credits, there will be an

outstanding overdue balance on the account for electric and gas service amounting to \$5,311.74. Petitioner agreed to pay this outstanding balance within thirty (30) days of the execution of the Stipulation.

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: 5/23/12

BOARD OF PUBLIC UTILITIES
BY:


ROBERT M. HANNA
PRESIDENT



JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

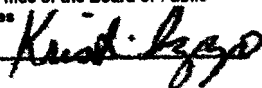

NICHOLAS ASSELTA
COMMISSIONER


MARY-ANNA HOLDEN
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



LOWER FERRY ROAD GROUP, LLC

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU DOCKET NO. EC11100688U
OAL DOCKET NO. PUC15134-11

SERVICE LIST

James H. Laskey, Esq.
Norris, McLaughlin & Marcus
721 Route 202-206
Box 5933
Bridgewater, New Jersey 08807

Mally Becker, Esq.
PSEG Services Corporation
80 Park Plaza – T5G
Newark, New Jersey 07102-4194

Eric Hartsfield, Director
Julie Ford-Williams
Division of Customer Assistance
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Trenton, New Jersey 08625

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

filed 3/1/12



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

*CMS
Legal-Becker
V. Haynes
D. Lee-Thomas
J. Ford-Williams
R. Samherd
C. Vocher
DAG
RPA*

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 15134-11
AGENCY DKT. NO. EC11100688U

LOWER FERRY ROAD GROUP, LLC,

Petitioner,

v.

**PUBLIC SERVICE ELECTRIC AND GAS
COMPANY,**

Respondent.

BPU MAILROOM

RECEIVING

James H. Laskey, Esq., for petitioner (Norris, McLaughlin & Marcus, attorneys)

Mally Becker, Esq., for respondent

Record Closed: April 24, 2012

Decided: April 25, 2012

BEFORE SUSAN M. SCAROLA, ALJ:

This matter was transmitted to the Office of Administrative Law on December 23, 2011, 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.

Various hearing dates were scheduled but adjourned at the request of parties in order for them to continue settlement negotiations. On April 24, 2012, an executed settlement agreement was received indicating the terms of the settlement.

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

- 1 The parties have voluntarily agreed to the settlement as evidenced by their agreement or their representatives' agreement as set forth above.
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.

April 25, 2012

DATE



SUSAN M. SCAROLA, ALJ

Date Received at Agency:

4/27/12

Date Mailed to Parties:

4/27/12

**STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW**

BPU MAILROOM

2012 APR 24 12:17

<p style="text-align: center;">RECEIVING) Lower Ferry Road Group, LLC,) Petitioner) v.) Public Service Electric and Gas Company,) Respondent)</p>	<p>OAL Docket No. PUC 15134-2011 S BPU Docket No. EC11100688U</p> <p style="text-align: center;">STIPULATION OF SETTLEMENT</p>
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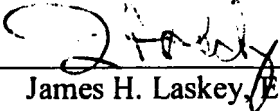
This matter having been brought before the Office of Administrative Law by the Petitioner, the Lower Ferry Road Group (“Petitioner”), against Respondent Public Service Electric and Gas Company (“PSE&G” or “Respondent”) for utility service rendered by PSE&G to the premises 1405 Lower Ferry Road, Ewing Township, New Jersey (the “Property”) and the Parties having agreed to settle this matter, hereby set forth the terms and conditions of their settlement agreement as follows:

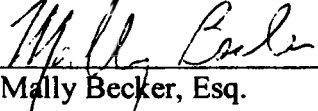
1. As of April 5, 2012, Petitioner had a balance of \$14,648.05 on the Account located at the Property.
2. Respondent agrees to provide the following credits to Petitioner’s account:
 - a. Respondent will provide a credit of \$9,095.31, representing an adjustment of Petitioner’s electric charges; and,
 - b. Respondent also will provide a credit of \$241.00, representing a reversal of previously charged reconnection and field collection fees.
3. After application of the \$9,336.31 bill credit referenced in paragraph 2, Petitioner acknowledges that there will still be an outstanding overdue balance on the Account owed to PSE&G for past electric and gas service rendered by PSE&G in the amount of \$5,311.74 (as of April 5, 2012).
4. Petitioner agrees to pay the remaining balance on the Account within 30 days of executing this Stipulation of Settlement.
5. This agreement is in full settlement of the Petition filed by Petitioner on or about October 23, 2011.

6. If Petitioner fails to make payments associated with current electric and gas service, Petitioner understands that PSE&G may exercise its authority in accordance with its tariffs and the provisions of N.J.A.C. 14:3-3A.1 et seq. to discontinue service.
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: Lower Ferry Road Group

Respondent: PSE&G

By: 
James H. Laskey, Esq.
For Petitioner

By: 
Mally Becker, Esq.
Assist. General Regulatory Counsel

Date: 4-12-12

Date: 4-6-12