

Agenda Date: 12/17/14 Agenda Item: VIID

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

KURT P. SCHWARTZ, Petitioner CUSTOMER ASSISTANCE

ORDER ADOPTING INITIAL DECISION AND SETTLEMENT

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PUBLIC SERVICE ELECTRIC AND GAS COMPANY, Respondent BPU DOCKET NO. EC13090876U OAL DOCKET NO. PUC 191-14

Parties of Record:

Kurt Schwartz, Petitioner, *pro se* Sheree L. Kelly, Esq., on behalf of Respondent, Public Service Electric and Gas Company

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

On September 27, 2013, Kurt Schwartz ("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 <u>N.J.S.A.</u> 52:14B-1 <u>et seq.</u> and <u>N.J.S.A.</u> 52:14F-1 <u>et seq.</u> This matter was assigned to Administrative Law Judge ("ALJ") Joseph Lavery.

While this matter was pending at the OAL, the parties engaged in negotiations and entered into and signed a Stipulation of Settlement ("Settlement") that was submitted to the ALJ. By Initial Decision issued on October 30, 2014, and submitted to the Board on November 5, 2014, to which the Settlement was attached and made part thereof, ALJ Lavery found that the Settlement was voluntary, that its terms fully disposed of all issues in controversy and that it satisfied the requirements of <u>N.J.A.C.</u> 1:1-19.1. Pursuant to the terms of the Settlement, and in order to fully resolve this matter, the parties agreed that the current past due energy charges on the account ending in 91518 is \$6,960.71. In addition, the amounts owed for the hot water

<sup>&</sup>lt;sup>1</sup> Commissioner Upendra J. Chivukula recused himself due to a potential conflict of interest and as such took no part in the discussion or deliberation of this matter.

heater and the boiler, in the amount of \$16,506.58, have been segregated from the energy charges and transferred to the account ending in 71818 and remain due and owing. The parties have further agreed that the past due amount of \$6,960.71 for energy charges shall be paid by Petitioner in monthly payments of \$300.00 plus current bills, commencing with the November 2014 bill to be issued in December 2014, until said amount is paid in full.

After review of the record and the Settlement of the parties, the Board <u>HEREBY</u> FINDS that the parties have voluntarily agreed to the Settlement as evidenced by their signatures and that by the terms of the Settlement, have fully resolved all outstanding contested issues in this matter.

Accordingly, the Board <u>HEREBY</u> <u>ADOPTS</u> the Initial Decision and the Settlement executed by the parties in their entirety as if fully set forth herein.

DATED: 12/17/14

BOARD OF PUBLIC UTILITIES BY:

RICHARD S. MROZ PRESIDENT

JOSEPH L. FIORDALISO

MARY-ANNA HOLDEN

JOSEPH L. FIORDALIS

COMMISSIONER

DIANNE SOLOMON 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

### KURT P. SCHWARTZ, PETITIONER

V.

## PUBLIC SERVICE ELECTRIC AND GAS COMPANY, RESPONDENT

## BPU DOCKET NO. EC13090876U OAL DOCKET NO. PUC191-14

#### SERVICE LIST

Kurt P. Schwartz 240 Main Street, Apt. 207 Little Falls, New Jersey 07424

Sheree L. Kelly, Esq. PSEG Services Corporation 80 Park Plaza – T5G Newark, New Jersey 07102-4194

Christopher M. Psihoules, DAG Division of Law 124 Halsey Street Post Office Box 45029 Newark, New Jersey 07101-45029 Eric Hartsfield, Director Division of Customer Assistance Board of Public Utilities 44 South Clinton Avenue, 9<sup>th</sup> Floor Post Office Box 350 Trenton, New Jersey 08625-0350

Julie Ford Williams Division of Customer Assistance Board of Public Utilities 44 South Clinton Avenue, 9<sup>th</sup> Floor Post Office Box 350 Trenton, New Jersey 08625-0350

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# State of New Jersey OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 191-14 AGENCY DKT. NO. EC13090876U

KURT SCHWARTZ, Petitioner, v. PUBLIC SERVICE ELECTRIC AND GAS COMPANY,

Respondent.

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Kurt Schwartz, petitioner, pro se

Sheree L. Kelly, Esq., for respondent

Record Closed: October 28, 2014

Decided: October 30, 2014

BEFORE JOSEPH LAVERY, ALJ t/a:

This matter was transmitted to the Office of Administrative Law (OAL) on January 8, 2014, for determination as a contested case, pursuant to <u>N.J.S.A.</u> 52:14B-1 to -15 and <u>N.J.S.A.</u> 52:14F-1 to -13.

The matter was assigned to The Honorable John F. Russo who conducted a telephone prehearing conference on April 2, 2014. On August 26, 2014, the Acting Director and Chief Administrative Law Judge recalled the undersigned for a temporary appointment to hear the case and the matter was then reassigned to me.

OAL OKT NO PUC 191-14

The parties have agreed to a settlement and have prepared a Stipulation of Settlement indicating the terms thereof, which is attached and fully incorporated herein.

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

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

I CONCLUDE that this agreement meets the requirements of <u>N.J.A.C.</u> 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 <u>N.J.S.A.</u> 52:14B-10.

October 30, 2014 DATE JOSEPHLAVERY, ALJ 1/2

Date Received at Agency:

Date Mailed to Parties:

10/31/14

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# STATE OF NEW JERSEY OFFICE OF ADMINISTRATIVE LAW

Kurt Schwartz Petitioner

Public Service Electric and Gas Company, Respondent OAL Docket No. PUC 0 1191-2014 S BPU Docket No. EC130 10876U

STIFULATION OF SE TLEMENT

This matter having been brought before the Office of Administrative Law by the Petitioner, Kurt Schwartz ("Petitioner"), against Respondent Public Service Electric and Gas Company ("PSE&G" or "Respondent") for utility service rendered by PSE&G to the memiscs 240 Main Street, Apt. 207, Little Falls, NJ 07424 (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. The current past due for energy charges on account no. ending in 915 18 is 56,960.71.
- 2. The amounts owed for the hot water heater and the boiler, in the amount of \$16,506.58, have been segregated from the energy charges, and transferred to account no. ending in 718 18. This amount remains due and owing.
- 3. With respect to the past due amount of \$6,960.71 for energy charges, F stitioner will pay \$300.00 per month plus current bills until said amount is paid n full.
- This payment arrangement will begin with the November 2014 bill, iss led in December 2014.

Petitioner: Kurt Schwartz

Respondent: PSE&G

By: mcs T. Walsh

Sr Customer Relations Consultant

10-27.14 Date: