



Agenda Date: 4/3/09
Agenda Item: VIIA

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

CUSTOMER ASSISTANCE

STONYBROOK MANOR CONDOMINIUM) ASSOCIATION C/O PREFERRED MANAGEMENT,) INC.,) Petitioner,))	ORDER ADOPTING INITIAL DECISION SETTLEMENT
)	
PUBLIC SERVICE ELECTRIC AND GAS,) COMPANY) Respondent.))	BPU DOCKET NO. EC08090721U OAL DOCKET NO. PUC13800-08

(SERVICE LIST ATTACHED)

BY THE BOARD:

On September 11, 2008, Stonybrook Manor Condominium Association c/o Preferred Management, Inc. ("Petitioner") filed a petition with the Board requesting a formal hearing related to a billing dispute with Public Service Electric and Gas Company ("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") Walter M. Braswell.

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 March 4, 2009, and submitted to the Board on March 11, 2009, to which the Settlement was attached and made part thereof, ALJ Braswell found that the Settlement 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 Settlement, the parties have agreed that within 45 days of the issuance of the ALJ's Initial Decision, Respondent will issue a check to the Petitioner in the amount of \$12,500.52 as a credit to the Petitioner's account.

Respondent will also replace meter #626000863 with a new meter will coordinate with Petitioner so that Petitioner may have a representative present when this work is performed. The parties further agreed that Respondent will contact the Petitioner to schedule an on-site investigation of Petitioner's meters and outdoor lighting within ten days of the ALJ's Initial Decision. Subsequent to changing meter #626000863, the Respondent agreed to work with Petitioner to ensure that, if further credits are due and owing, Petitioner's account would be credited to ensure that Petitioner is accurately billed.

After review of the Initial Decision and the Agreement of the parties, the Board HEREBY FINDS that, by the terms of the Settlement, the parties have 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: 4/3/09

BOARD OF PUBLIC UTILITIES
BY:



JEANNE M. FOX
PRESIDENT



FREDERICK F. BUTLER
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER



NICHOLAS ASSELTA
COMMISSIONER



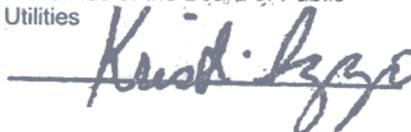
ELIZABETH RANDALL
COMMISSIONER

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



**STONYBROOK MANOR CONDOMINIUM ASSOCIATION, C/O PREFERRED
MANAGEMENT, INC.**

v.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

**BPU DOCKET NO. WC08030157U
OAL DOCKET NO. PUC 6043-08**

SERVICE LIST

Karen E. James
Preferred Management, Inc.
25 Charles Street
Westwood, New Jersey 07675

Alexander C. Stern, 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
Two Gateway Center
Newark, New Jersey 07102

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

CMS
BBLOW
RPA
KIRSCHBAUM
R-ROMAINE
FORD-WILLIAMS
(2)



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

REVISED
PS. 2 ADDED
RECEIVED
CASE MANAGEMENT
2009 MAR 11 AM 11:33
BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 13800-08

AGENCY DKT. NO. EC08090721U

STONYBROOK MANOR CONDOMINIUM
ASSOCIATION C/O PREFERRED
MANAGEMENT, INC.

Petitioner,

v.

PUBLIC SERVICE ELECTRIC AND GAS
COMPANY,

Respondent.

Karen E. James on behalf of petitioner (Stonybrook Manor Condominium
Association)

Alexander C. Stern, Esq. appearing on behalf of respondent (PSE&G Services
Corporation)

Record Closed: March 3, 2009

Decided: March 4, 2009

BEFORE WALTER M. BRASWELL, ALJ:

On December 4, 2008, 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 pre-hearing was scheduled and conducted on January 15, 2009 at which time a hearing was scheduled for July 13, 2009. Prior to the

hearing date a Settlement Agreement was prepared and executed indicating the terms of the agreement, which are incorporated herein by reference.

have reviewed the record and terms of the Stipulation of Settlement and **FIND:**

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

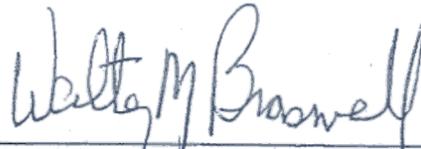
I **CONCLUDE** that the agreement meets the requirements of N.J.A.C. 1:1-19.1 and therefore, it is **ORDERED** that the parties comply with the settlement terms and that these proceedings be and are hereby concluded.

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 (45) 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.

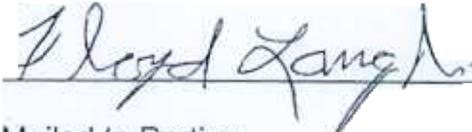
3-4-09

DATE



WALTER M. BRASWELL, ALJ

Date Received at Agency: 3-11-09



Mailed to Parties:

DATE
ljb

OFFICE OF ADMINISTRATIVE LAW

STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

2008 MAR -3 P 2:55
OFFICE OF ADMINISTRATIVE LAW

Stonybrook Manor Condo c/o)
Preferred Management) BPU DOCKET NO. EC08090721U
) OAL DOCKET NO. PUC13800-2008N
Petitioner,)
)
) **STIPULATION OF SETTLEMENT**
Public Service Electric & Gas Company)
Respondent.)

On or about October 7, 2008, Stonybrook Manor Condominium Association ("Petitioner" or "Stonybrook") filed the above-referenced billing dispute. Public Service Electric & Gas Company ("PSE&G" or "Respondent") filed an answer to Stonybrook's petition and the New Jersey Board of Public Utilities ("NJBP" or "Board") transmitted the matter to the Office of Administrative Law ("OAL") as a contested case for adjudication.

In the interests of resolving this matter without further delay, extensive effort and cost, the parties hereto agreed to settle this matter in accordance with the following terms:

1. PSE&G agrees to credit Petitioner's account so that the credit balance reflects an amount totaling \$12,500.52.
2. Within forty-five (45) days of the ALJ's Initial Decision approving this Settlement, PSE&G will issue a check to Petitioner in the amount of \$12,500.52.
3. PSE&G will replace meter #626000863 with a new meter and will coordinate with Petitioner so that Petitioner may have a representative present when this work is performed. Additionally, if PSE&G has not done so already, PSE&G will contact Petitioner to schedule an on-site investigation of Petitioner's meters and outdoor lighting for Stonybrook within ten (10) days of the ALJ's Initial Decision.
4. Subsequent to changing meter #626000863, PSE&G will work with Petitioner to ensure that if any further credits are due and owing, Petitioner's account will be credited so as to ensure that Petitioner is accurately billed for service.
5. This agreement is in settlement of the Petition filed by Stonybrook on or about October 7, 2008.

6. 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.

PSEG SERVICES CORPORATION
Attorneys for PSE&G

DATED: 2/24/09

By: Alexander C. Stern
Alexander C. Stern, Esq.
Assistant General Regulatory Counsel

PSE&G

DATED: 2/24/09

By: Edward B. Sullivan
Edward B. Sullivan
Manager of Customer Operations

STONYBROOK MANOR CONDO ASSOC.

DATED: 2/18/09

By: Frank Butera
Frank Butera, Board President
Stonybrook Condominium Assoc.

COPY



COPY

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW
33 Washington Street
Newark, New Jersey 07102
(973) 648-6008
(973-648-6058)

RECEIVED
MANAGEMENT
2009 MAR 11 AM 10:21
BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

Robert J. Giordano, ALJ &
Manager of Organizational Development

NORTH

Date MAR 6 2009

Re: Initial Decisions for Receipt

We are hereby forwarding to you the following decisions from the office of Administrative Law. **Receipt is acknowledged as of the next business day of the date indicated below.** Should a listed decision not be included in this batch, please call 973-648-6008.

OAL Docket No. PUC

Case Name

13800-08

Stony Brook Manor
Condominium Association
C/O Preferred MAST, INC.

Board of Public Utilities
Two Gateway Center
Newark, New Jersey 07102

Date: 3-11-08

Floyd R. King Jr.
Board of Public Utilities