



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

CUSTOMER ASSISTANCE

DARREN NANCE,)	ORDER ADOPTING INITIAL DECISION
Petitioner,)	SETTLEMENT
)	
v.)	
)	
PUBLIC SERVICE ELECTRIC AND GAS)	
COMPANY,)	BPU DOCKET NO. EC08070513U
Respondent)	OAL DOCKET NO. PUC 11483-08

(SERVICE LIST ATTACHED)

BY THE BOARD:

On July 22, 2008, Darren Nance ("Petitioner") filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing regarding the charges by ("Respondent") for utility services.

After the filing of Respondent's answer, the Board transmitted this matter to the Office of Administrative Law ("OAL") on September 18, 2008 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") Richard McGill.

While this matter was pending at OAL, the parties engaged in negotiations and entered into and executed a Stipulation of Settlement ("Settlement") that was submitted to the ALJ. By Initial Decision issued on July 27, 2009 and submitted to the Board on July 29, 2009, to which the Settlement was attached, ALJ McGill 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.

In the Settlement, Respondent, without agreeing to the merits of Petitioner's allegations, agreed to credit Petitioner's Primary Account in the amount of \$4,559.48. After the credit is applied, Petitioner's Primary Account will have an outstanding overdue balance of \$3,045.75 for past electric and gas services rendered through July 10, 2009. Furthermore, without agreeing to the merits of Petitioner's allegations and while recognizing that Petitioner made no claims regarding billing for the Secondary Account, Respondent agrees to credit Petitioner's Secondary Account \$2,667.26. After application of the credit, the Secondary Account will have an outstanding overdue balance of \$2,317.67. The parties agree that the total outstanding overdue balance for both accounts is \$5,363.42 and Respondent agrees to reflect the \$5,363.42 settlement amount on the Petitioner's Primary Account, leaving no outstanding balance on the Secondary Account. Petitioner also agrees to timely pay Respondent for electric and gas

service for both the Primary and Secondary Accounts, and Petitioner will also enter into a deferred payment arrangement in order to pay off the outstanding overdue balance of \$5,363.42.

Pursuant to the deferred payment agreement, Petitioner agrees to make forty-two (42) supplement payments of \$125 per month in addition to monthly utility bills for the Primary Account commencing with the first bill received after the ALJ's approval of the Settlement. In the forty-third (43rd) month following the ALJ's approval of the Settlement, Petitioner agrees to make a payment of \$113.42 in addition to the current bills due and owing for the Primary and Secondary Accounts. The Parties agree that Petitioner is not foreclosed from paying off the total settlement amount due prior to the forty-third (43rd) month deferred payment period allotted. Finally, the Settlement provides that if Petitioner fails to make payments pursuant to the deferred payment arrangement and/or fails to make payments associated with current electric and gas service with the Primary and Secondary Accounts, Petitioner understands that Respondent would be entitled to all amounts due and owing under the Settlement, as well as to any other outstanding balances for electric and gas service accrued from the time of Settlement, and Respondent may exercise its authority in accordance with its tariff and pursuant to N.J.A.C. 14:3-3A.1 et seq. to discontinue service. Petitioner also agrees and understands that he must make timely payment of monthly utility bills associated with the Primary and Secondary Accounts so long as he remains a customer of Public Service Electric and Gas.

After review and consideration of the Initial Decision and the Stipulation of Settlement, which are attached hereto and made a part hereof, the Board HEREBY FINDS that, by the terms of the Stipulation of 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 execute by the parties in their entirety as if fully set forth herein.

DATED: 8/19/09

BOARD OF PUBLIC UTILITIES
BY:



JEANNE M. FOX
PRESIDENT



FREDERICK F. BUTLER
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER

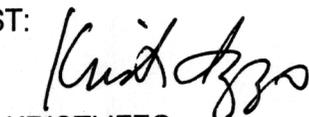


NICHOLAS ASSELTA
COMMISSIONER



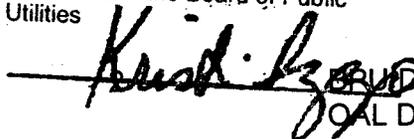
ELIZABETH RANDALL
COMMISSIONER

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



BU Docket No. EC08070513U
OAL Docket No. PUC 11483-08

DARREN NANCE

v.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

**BPU DOCKET NO. EC08070513U
OAL DOCKET NO. PUC 11483-08**

SERVICE LIST

Darren Nance
71 Treacy Avenue
Newark, New Jersey 07108

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

Jessica Campbell, DAG
Division of Law
124 Halsey Street
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Newark, New Jersey 07102

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NEW JERSEY PUBLIC SERVICE



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 11483-08

BPU DKT. NO. EC08070513U

DARREN NANCE,

Petitioner,

v.

**PUBLIC SERVICE ELECTRIC
AND GAS COMPANY,**

Respondent.

Darren Nance, pro se

Alexander C. Stern, Esq., for respondent

Record Closed: July 23, 2009

Decided: July 27, 2009

BEFORE RICHARD McGILL, ALJ:

This matter is a billing dispute between Darren Nance and Public Service Electric and Gas Company. The matter was transmitted to the Office of Administrative Law on September 29, 2008, for determination as a contested case.

On the hearing day, the parties agreed to an amicable resolution of the matter and submitted a Stipulation of Settlement. Having reviewed the record and the settlement terms, I **FIND** as follows:

CHS
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DAG Campbell
Am 't.

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

Therefore, I **CONCLUDE** that the agreement meets the requirements of N.J.A.C. 1:1-19.1 and that the settlement should be approved. Accordingly, it is **ORDERED** that the parties comply with the terms of the settlement, and it is **FURTHER ORDERED** that the proceedings in this matter 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.

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 BOARD OF UTILITIES
 TRENTON, N.J.

July 27, 2009

 DATE

Rich McGill

 RICHARD MCGILL, ALJ

Date Received at Agency: *7/29/09*

Regina Carlson (7/30/09)

Mailed to Parties:

 DATE

 OFFICE OF ADMINISTRATIVE LAW

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

Darren Nance)
) BPU DOCKET NO. EC08070513U
) OAL DOCKET NO. PUC11483-2008N
Petitioner,)
)
v.)
) STIPULATION OF SETTLEMENT
Public Service Electric & Gas Company)
)
Respondent.)

On or about June 30, 2008, Petitioner filed the above-referenced billing dispute. Public Service Electric & Gas Company ("PSE&G" or "Respondent") filed an answer to the 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 amicably and to avoid further delay and costs to the party's, the parties hereto agreed to settle this matter in accordance with the following terms:

1. Since December 2005, Petitioner has had two PSE&G accounts. Account # [REDACTED] 01 12 is Petitioner's primary account and includes charges for gas service for one floor of the home and electric service for the entire house (hereinafter referred to as "Primary Account"). Account # [REDACTED] 90 09 is exclusively for gas service to a different floor in the home (hereinafter referred to as "Secondary Account").

2. Although not agreeing with the merits of the allegations expressed in the Petition, in the interests of good customer relations, PSE&G agrees to credit Petitioner's Primary Account \$4,559.48.

3. After application of the \$4,559.48 bill credit referenced in paragraph 2, Petitioner acknowledges that there will still be an outstanding overdue balance on the Primary Account owed to PSE&G for past electric and gas service rendered by PSE&G under the Primary Account through to July 10, 2009 totaling \$3,045.75.

4. Although not agreeing with the merits of the allegations expressed in the Petition and recognizing that the Petition does not raise any concerns about billing associated with the Secondary Account, in the interests of good customer relations, PSE&G agrees to credit Petitioner's Secondary Account \$2,667.26.

5. After application of the \$2,667.26 bill credit referenced in paragraph 4, Petitioner acknowledges that there will still be an outstanding overdue balance on the Secondary Account owed to PSE&G for past gas service rendered by PSE&G under the Secondary Account through July 10, 2009 totaling \$2,317.67.

6. Taken together Petitioner acknowledges that as a result of this settlement he owes PSE&G the following amount for gas and electric service under the Primary Account and Secondary Account as follows:

\$3,045.75 – Primary Account settlement outstanding balance owed
\$2,317.67 – Secondary Account settlement outstanding balance owed
Total: \$5,363.42

7. In the interests of settlement and good customer relations, PSE&G agrees to reflect the \$5,363.42 settlement amount on Petitioner's Primary Account and to remove all outstanding balances owed associated with the Secondary Account so that the Secondary Account will be for bills associated with the gas metered service for the Secondary Account from July 11, 2009 forward and reflect no outstanding balances owed.

8. Petitioner agrees to timely pay his PSE&G bills for electric and gas service for both the Primary Account and Secondary Account, as well as to enter into a deferred payment arrangement ("DPA") with PSE&G to pay off the \$5,363.42 settlement amount agreed to at the time of settlement.

9. In addition to current bills due and owing for the Primary Account and Secondary Account, Petitioner agrees to make forty-two (42) supplemental payments of \$125 per month in addition to monthly utility bills for the Primary Account commencing with the first bill received after the ALJ's approval of this Stipulation. In the forty-third (43rd) month following the ALJ's approval of this Stipulation, Petitioner agrees to make a payment of \$113.42 in addition to current bills due and owing for the Primary Account and the Secondary Account. Petitioner is not foreclosed from paying off the \$5,363.42 settlement amount due prior to the forty-three (43) month deferred payment period allotted.

10. If Petitioner fails to keep the agreement as set forth in the deferred payment arrangement established in paragraph 9 above and/or fails to make payments associated with current electric and gas service associated with the Primary Account and Secondary Account, Petitioner understands that PSE&G would be entitled to all amounts due and owing ~~under~~ ^{the settlement amount} being entered into and 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.

11. In addition to payments under the deferred payment arrangement established in paragraph 9, Petitioner agrees and understands that he must make timely

*as well as to any other outstanding balances for electric & gas service accrued from the time of settlement forward.

D.N.

ACS
EHL

payment of PSE&G monthly utility bills for utility service associated with the Primary Account and the Secondary Account so long as he remains a PSE&G customer.

12. This agreement is in full settlement of the Petition filed by Petitioner on or about June 30, 2008.

13. 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: 7-23-09

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

PUBLIC SERVICE ELECTRIC & GAS CO.

DATED: 7/23/09

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

DATED: 7/23/09

By: Darren Nance
Darren Nance, Petitioner

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

Robert J. Giordano, ALJ &
Manager of Organizational Development

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BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

NORTH

Date JUL 28 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

11483-08

DARREN NANCIE

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

Date: _____

Board of Public Utilities