



Agenda Date: 11/7/08
Agenda Item: VIIB

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

CUSTOMER ASSISTANCE

STEVEN BREITMAN,
Petitioner,

v.

NEW JERSEY NATURAL GAS COMPANY,
Respondent.

) ORDER ADOPTING INITIAL DECISION
) SETTLEMENT
)
)
)
)

BPU DOCKET NO. GC08020103U
OAL DOCKET NO. PUC 2289-08

(SERVICE LIST ATTACHED)

BY THE BOARD:

On February 20, 2008, Steven Breitman (Petitioner) filed a petition with the Board disputing bills of New Jersey Natural Gas Company (Respondent) for gas services.

After the filing of Respondent's answer, the Board transmitted this matter to the Office of Administrative Law (OAL) on March 11, 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) Joseph F. Martone.


While this matter was pending at the OAL, the parties entered into and executed a Stipulation of Settlement (Settlement) and submitted it to the ALJ on September 29, 2008. By Initial Decision issued on October 1, 2008, and submitted to the Board on October 9, 2008, to which the Settlement was attached and made part thereof, ALJ Martone found that the agreement was voluntary, that its terms fully disposed of all issues in controversy, and that it met the requirements of N.J.A.C. 1:1-19.1. Pursuant to the terms of the Settlement, the parties agreed that: (1) Respondent shall rebill Petitioner for the period August 10, 2001 to July 2, 2005, resulting in a net credit to his account in the amount of \$10,990.77.

After a review and consideration 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 Settlement of the parties in their entirety as if fully set out herein.

DATED:

11/7/08

BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

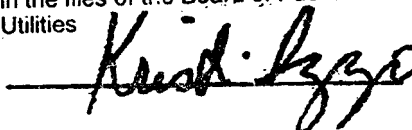

NICHOLAS ASSELTA
COMMISSIONER


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



**STEVEN BREITMAN
v.
NEW JERSEY NATURAL GAS
BPU DOCKET NO. GC08020103U
OAL DOCKET NO. PUC 2289-08**

SERVICE LIST

Lawrence Bravman, Esq.
30 Route 22 West
Green Brook, NJ 08812

Eileen F. Quinn, Esq.
New Jersey Natural Gas
1415 Wyckoff Road
P.O. Box 1468
Wall, NJ 07719

Eric Hartsfield, Director
Division of Customer Assistance
Board of Public Utilities
Two Gateway Center
Newark, New Jersey 07102

Julie Ford-Williams
Division of Customer Assistance
Board of Public Utilities
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124 Halsey Street
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CMS
BESLOW
KPA
MILLER, C
FORD-WILLIAMS
①



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

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BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 2289-08

AGENCY DKT. NO. GC08020103U

STEVEN BREITMAN,

Petitioner,

v.

NEW JERSEY NATURAL GAS

COMPANY,

Respondent.

Laurence J. Bravman, Esq., for petitioner

Eileen F. Quinn, Esq., for respondent

Record Closed: September 29, 2008

Decided: October 1, 2008

BEFORE JOSEPH F. MARTONE, ALJ:

Petitioner appeals a billing dispute in the amount of \$4,529.99 for estimated gas usage for his secondary place of residence at 12 Broadmoor Drive, Rumson, NJ. By request of petitioner on April 27, 2000, New Jersey Natural Gas Company commenced service to the property named above. Prior to this, there was no natural gas service at this property and no existing gas usage history upon which respondent could estimate accurate usage. Since the petitioner's property could only be accessed through a locked gate and because it is used only as a secondary residence, respondent had

limited access to the meter for several years. As a result, an inordinate amount of estimated bills issued. This matter was transmitted to the Office of Administrative Law (OAL) on March 27, 2008, 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 and a hearing was scheduled for October 27, 2008.

On the record closed date, an executed settlement was received.

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 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.

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.

October 1, 2008

DATE


JOSEPH F. MARTONE, ALJ

Date Received at Agency: 109-08



Mailed to Parties:

OCT 7 2008

DATE


OFFICE OF ADMINISTRATIVE LAW

mph

NEW JERSEY NATURAL GAS COMPANY
1415 Wyckoff Road
P.O. Box 1468
Wall, New Jersey 07719
(732) 938-1018

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STATE OF NEW JERSEY
OFFICE OF ADMIN LAW

STEVEN BREITMAN,

Petitioner,

vs.

NEW JERSEY NATURAL GAS COMPANY,

Respondent.

STATE OF NEW JERSEY -- OFFICE OF
ADMINISTRATIVE LAW

OAL DOCKET NO.: PUCCC 02289-2008S

Agency Reference No.: GC08020103U

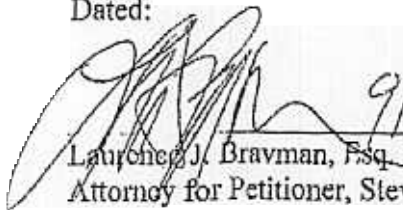
STIPULATION OF SETTLEMENT


The matter in difference in the above-entitled action having been amicably adjusted by and between the parties, it is hereby stipulated and agreed that the same be and hereby is settled as follows:

This matter involves a billing dispute by Steven Breitman, (the "Petitioner") in the amount of \$4,529.99 for estimated gas usage at 12 Broadmoor Drive, Rumson, New Jersey (the "Property"). New Jersey Natural Gas Company, ("NJNG" or "Respondent") commenced service to the Property at Petitioner's request on April 27, 2000. Prior to this time, there was no natural gas service at the Property. Accordingly, when service was commenced, there was no existing gas usage history upon which NJNG could accurately estimate usage. Because the Property is accessed only via a locked gate and it is used only as a secondary residence by the Petitioner, NJNG had very limited access to the meter for several years. As a result, an inordinate amount of "estimated" bills issued for this account. In an effort to bring this matter to final resolution, the parties met at the Property to gather accurate data regarding the precise quantity and efficiency of the gas appliances on site and Petitioner's use of the Property. Thereafter, Respondent performed a consumption analysis utilizing the appropriate degree days for the entire period the account was active. Through this analysis it was determined that due to the inordinate number of estimated reads, Petitioner was billed for an excessive amount of gas during

the period August 10, 2001 to July 2, 2005. Accordingly, the parties have agreed that Respondent will rebill Petitioner for this period resulting in a net credit to account 220005318000 in the amount of \$10,990.77 (ten thousand nine hundred ninety dollars and seventy-seven cents).

Dated:

 9/26/2008
 Laurence J. Bravman, Esq.
 Attorney for Petitioner, Steven Breitman


 Eileen F. Quinn, Esq.
 Attorney for Respondent, New Jersey
 Natural Gas Company

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NEWARK, N.J.



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9 Quakerbridge Plaza
P.O. Box 049
Trenton, New Jersey 08625-0049
(609) 588-6584

A copy of the administrative law judge's
decision is enclosed.

This decision was mailed to the
parties on OCT 7 2008

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CASE MANAGEMENT

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BOARD OF PUBLIC UTILITIES
NEWARK, N.J.



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BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

Laura Sanders, Director
and
Chief Administrative Law Judge

SOUTH

Date: 10/7/08

Board of Public Utilities
2 Gateway Center
Newark, NJ 07102

Re: TRANSMITTAL OF FILES -- PUC

We are hereby forwarding to you our complete file jacket(s) for the matter(s) listed. Kindly sign to acknowledge receipt of the specified file jacket(s), keeping a copy for yourself and returning the original to our messenger.

Should a listed jacket not be included in this batch, please note this on the transmittal sheet or call Ms. Kathy Knapp (609) 588-6545.

2289-08
2201-08

10-7-08
DATE

Floyd Knapp
AGENCY RECEIPT