



Agenda Date: 10/24/07

Agenda Item: VIIC

STATE OF NEW JERSEY

Board of Public Utilities

Two Gateway Center

Newark, NJ 07102

www.nj.gov/bpu/

CUSTOMER ASSISTANCE

ETHEL & LUCY, INC. T/A AIN'T WE SWEET,)	ORDER ADOPTING INITIAL DECISION
PETITIONER)	SETTLEMENT
V.)	
)	
PUBLIC SERVICE ELECTRIC AND GAS)	BPU DOCKET NO. GC07010044U
COMPANY, RESPONDENT)	OAL DOCKET NO. PUC 3047-07

(SERVICE LIST ATTACHED)

BY THE BOARD:

On January 25, 2007, Ethel & Lucy, Inc., t/a Ain't We Sweet (Petitioner), filed a petition with the Board disputing the bill of Public Service Electric and Gas Company (Respondent) for utility services.

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. 52:14-B-1 et seq. and N.J.S.A. 52:14F-1 et seq. The matter was assigned to Administrative Law Judge (ALJ) Mumtaz Bari-Brown.

While this matter was pending at the OAL, the parties engaged in negotiations and reached a settlement that was submitted to the ALJ. By Initial Decision submitted to the Board on September 20, 2007, to which the settlement was attached and made part thereof, ALJ Bari-Brown 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.

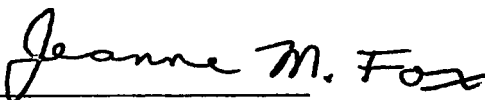
Pursuant to the terms of the agreement, Respondent agreed to issue a credit of \$3,555.05 to the balance of Petitioner's account, in addition to any other prior credits or sales adjustments issued on the account, leaving a balance due as of August 2, 2007, in the amount of \$3,490.00. In return, Petitioner agreed to pay to Respondent \$50.00 per month plus current monthly bills until the past due amount is paid in full. Petitioner further agreed to release and discharge

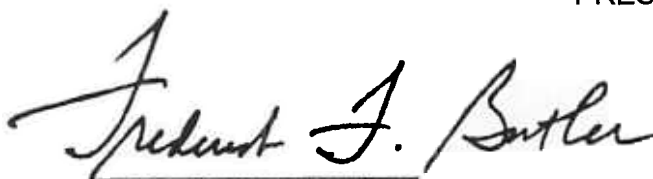
Respondent from all claims and causes of action, known or unknown, up to the date of the settlement.

After review and consideration, the Board FINDS that the terms of the settlement are fair and reasonable. Therefore, the Board HEREBY ADOPTS the Initial Decision and the Settlement Agreement in their entirety, incorporating the terms thereof into this final decision as if fully set forth at length herein.

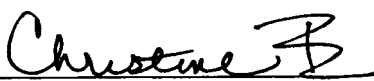
DATED: 10/25/07

BOARD OF PUBLIC UTILITIES
BY:

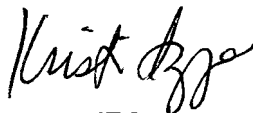

JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER

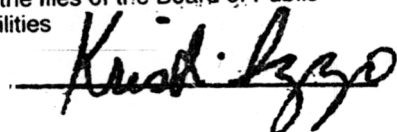

JOSEPH L. FIORDALISO
COMMISSIONER


CHRISTINE V. BATOR
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



**ETHEL & LUCY Inc., T/A AIN'T WE SWEET
v.
PUBLIC SERVICE ELECTRIC AND GAS COMPANY**

**BPU DOCKET NO. GC07010044U
OAL DOCKET NO. PUC 3047-07**

SERVICE LIST

Jeffrey D. Ullman, Esq.
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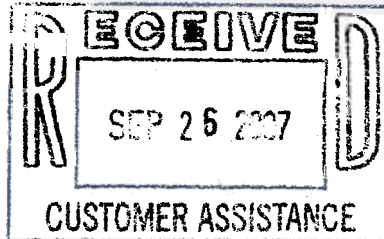
Eric Hartsfield, Director
Julie Ford-Williams
Division of Customer Assistance
Board of Public Utilities
Two Gateway Center
Newark, New jersey 07102

Arlene Pasko, DAG
Division of Law
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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 03047-07

AGENCY DKT. NO. GC07010044U

ETHEL and LUCY INC., T/A AIN'T WE SWEET,

Petitioners,

v.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY,

Respondent.

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CASE MANAGEMENT
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NEWARK, N.J.

Jeffrey D. Ullman, Esq., for petitioners (Ullman, Furhman & Platt, P.C., attorneys)

Sheree L. Kelly, Esq., for respondent

Record Closed: September 18, 2007

Decided: September 19, 2007

BEFORE MUMTAZ BARI-BROWN, ALJ:

This matter was transmitted to the Office of Administrative Law (OAL) on October 24, 2005, for resolution as a contested case pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F1 to -13.

A hearing was scheduled for September 27, 2007. Prior to the date of hearing the parties settled the matter. The attached Stipulation of Settlement was submitted on

September 18, 2007, indicating the terms of agreement which are incorporated herein by reference.

Having reviewed the record and the settlement terms, I **FIND**:

- 1 The parties have voluntarily agreed to the settlement as evidenced by their signatures and/or the signatures of their representatives.
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.

September 19, 2007
DATE

Date Received at Agency: 9/19/07

Mumtaz Bari Brown
MUMTAZ BARI-BROWN, ALJ
Royal G. Long Jr.
Mailed to Parties:

DATE

OFFICE OF ADMINISTRATIVE LAW

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BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

Ethel & Lucy Inc. t/a Ain't We Sweet
Petitioner,

v.

Public Service Electric and Gas Company
Respondent.

BPU Docket No. GC07010044U

STIPULATION OF SETTLEMENT

This matter having been brought before the New Jersey Board of Public Utilities by the Petitioner, Ethel & Lucy Inc. t/a Ain't We Sweet ("Petitioner"), against Respondent Public Service Electric and Gas Company ("PSE&G" or "Respondent") and transferred to the Office of Administrative Law before the Honorable Mumtaz Bari-Brown, A.L.J., for utility service rendered by PSE&G to the Petitioner c/o Jeffrey D. Ullman, Esq. of Ullman, Fushman & Platt, P.C. 89 headquarters Plaza, North Tower, 12th Floor, Morristown, NJ 07960-3959, and the Parties having agreed to settle this matter, hereby set forth the terms and conditions of their settlement agreement as follows:

1. PSE&G will credit Petitioner's account number 12 342 087 33 in the amount of \$3,555.05, leaving a balance due as of August 2, 2007 in the amount of \$3,490.00, *and all other credits to date as per Ed Sullivan*
2. Petitioner agrees to pay \$50.00 per month plus current monthly bills until the past due amount is paid in full.
3. In consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, by Petitioner, for itself and its legal representatives, beneficiaries, assigns and successors-in-interest, hereby releases and forever discharges PSE&G, of and from any and all actions or causes of action, suits, debts, claims, complaints, contracts, controversies, agreements, promises, damages, claims for attorney's fees, punitive damages and reinstatement, judgments, and demands whatsoever, in law or in equity, it has, may have or ever had, whether known or unknown, suspected or unsuspected, anticipated or unanticipated, up to the date of this Stipulation.

Petitioner: Ethel & Lucy Inc. t/a Ain't We Sweet

By: *Karelas Hill*

Date: 9-18-07

Respondent PSE&G

By: *Edward B. Sullivan*

Edward B. Sullivan
Manager Customer Operations

Date: 9/18/07

paid off acct.