



Agenda Date: 11/8/07
Agenda Item: VIIA

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

CUSTOMER ASSISTANCE

BENIGNO RIVAS,)	ORDER ADOPTING INITIAL DECISION
Petitioner)	SETTLEMENT
)	
v.)	
)	
PUBLIC SERVICE ELECTRIC AND GAS)	
COMPANY,)	BPU DOCKET NO. EC06110807U
Respondent)	OAL DOCKET NO. PUC 5178-07

(SERVICE LIST ATTACHED)

BY THE BOARD:

On November 15, 2006, Benigno Rivas (Petitioner) filed a petition with the Board regarding a dispute with Public Service Electric and Gas Company (Respondent) regarding charges for electric and gas 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) Thomas E. Clancy.

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 October 10, 2007, to which the settlement was attached and made part thereof, ALJ Clancy 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.

After review of the Initial Decision and the Stipulation, which are attached hereto and made a part hereof, the Board HEREBY FINDS that the terms of the Stipulation represent a fair and

reasonable resolution of all outstanding contested issues. Accordingly, the Board HEREBY ADOPTS the Initial Decision and Stipulation in their entirety and, as a result of the agreement of the parties, HEREBY DISMISSES the petition in this matter with prejudice.


DATED:

1/9/07

BOARD OF PUBLIC UTILITIES
BY:

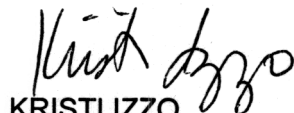

JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER

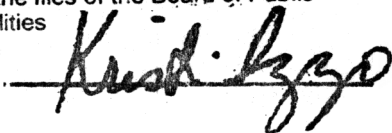

JOSEPH L. FIORDALISO
COMMISSIONER


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



**Benigno Rivas
v.
Public Service Electric and Gas Company
BPU DOCKET NO. EC06110807U
OAL Docket No. PUC 5178-07**

SERVICE LIST

Benigno Rivas
1006 South Orange Avenue
Newark, New Jersey 07106-1717

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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

Arlene Pasko, DAG
Division of Law
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P.O. Box 45029
Newark, New Jersey 07102

CMS
Beslow
DAG - Pasko
Customer Assist
JULIE FORD-Williams



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION
SETTLEMENT

OAL DKT. NO. PUC 5178-07
AGENCY DKT. NO. EC06110807U

BENIGNO RIVAS,

Petitioner,

v.

**PUBLIC SERVICE ELECTRIC &
GAS COMPANY,**

Respondent.



Benigno Rivas, pro se

Alexander C. Stern, Esq., for respondent

Record Closed: October 3, 2007

Decided: October 3, 2007

BEFORE: **THOMAS E. CLANCY, ALJ:**

This matter was transmitted to the Office of Administrative Law (OAL) on May 3, 2007, for determination as a contested case. At the October 3, 2007 settlement conference, the parties reached an amicable resolution of the matter and signed the attached stipulation of settlement indicating the extent of their agreement.

Having reviewed the record and the settlement terms, **FIND** as follows:

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

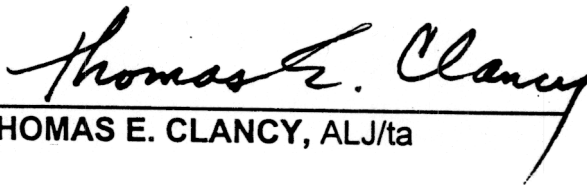
Therefore, I **CONCLUDE** that the agreement meets the requirements of N.J.A.C. 1:1-19.1 and I hereby **APPROVE** same. Accordingly, I **ORDER** that the parties comply with the settlement terms, and that the proceedings in this matter be concluded.

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 (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.

OCT. 3, 2007

DATE


THOMAS E. CLANCY, ALJ/ta

Date Received at Agency:

Mailed to Parties:

DATE

OFFICE OF ADMINISTRATIVE LAW

cml

10/3/07

Alexander C. Stern
Alexander C. Stern
App for PSE & G

Mgr - Customer Oper.
Regulatory Services

agreement without [REDACTED] AC S
[REDACTED] Cl
[REDACTED] BR
[REDACTED] admission to
as to any involvement in an alleged meter tampering scheme. (x)

(2) Petitioner agrees to keep current with all of his monthly electric ^{and gas} bills as they ~~become due~~ become due from this day forward; ~~BB~~ ~~IT~~ ~~AC~~ AC trc

(3) Petitioner also agrees to pay \$2000 to PSE & G by October 28, 2007; also to pay \$2500 to P.S.E & G by Nov. 28, 2007; ~~also~~ to pay \$2500 to PSE & G by Dec. 28, 2007; ~~also~~ to pay \$2500 to PSE & G by January 28, 2008; ~~also~~ to pay \$2500 to PSE & G by February 28, 2008 in full satisfaction of his energy and alleged diversion and all electric and gas arrearages to date:

(4) Petitioner hereby acknowledges that his failure to abide by the terms of this agreement may result in a TOTAL SHUT OFF of his gas and electric services; and

(5) Petitioner hereby withdraws his request for an OAL hearing in this matter

Burgin Rivas, Petitioner

~~John R. Ryan, San~~

WITNESS
Thomas E. Clancy
ALJ

COPY



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

COPY

2007 OCT 10 AM 10:22
BOARD OF PUBLIC UTILITIES
NEWARK, N.J.
CASE MANAGER

NORTH

Date OCT - 4 2007

RECEIVED
MAIL ROOM
07 OCT -9 PM 3:09
BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

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

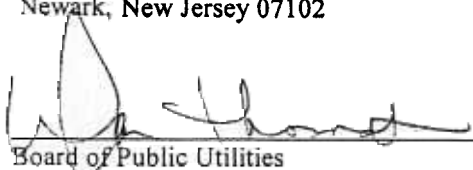
Case Name

5178-07

BENIGNO RIVAS

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

Date: 10/10/07


Board of Public Utilities