



Agenda Date: 12/19/07
Agenda Item: VIIC

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

CUSTOMER ASSISTANCE

FRANCES FINA, D//B/A GO WIRELESS
COMMUNICATIONS, LLC,
Petitioner

v.

ATLANTIC CITY ELECTRIC COMPANY,
Respondent

) ORDER ADOPTING INITIAL DECISION
) SETTLEMENT
)
)
)
)
)
)

BPU DOCKET NO. EC06120860U
OAL DOCKET NO. PUC 00949-2007S

(SERVICE LIST ATTACHED)

BY THE BOARD:

On December 11, 2006, Frances Fina, d/b/a Go Wireless Communications, LLC (Petitioner) filed a petition with the Board disputing the bill of Atlantic City Electric Company (Respondent) for electric 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. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. This matter was assigned to Administrative Law (ALJ) Judge Patricia M. Kerins.

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 issued on November 15, 2007, and submitted to the Board on November 20, 2007, to which the settlement and a Stipulation of Dismissal with Prejudice were attached and made part thereof, ALJ Kerins 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, of the total outstanding amount of \$7,973.07, Petitioner shall pay \$4,650.00 to Respondent by certified check, bank check or money order. Upon said

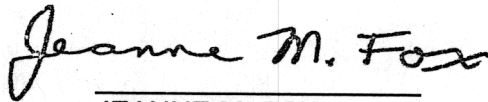
payment, Respondent shall credit Petitioner's account for the balance of \$3,323.07, which represents the entire amount disputed by Petitioner.

After review of the Initial Decision and the Stipulation, 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 incorporating the terms thereof into this final decision as if fully set forth at length herein, and, as a result of the agreement of the parties, HEREBY DISMISSES the petition in this matter with prejudice.

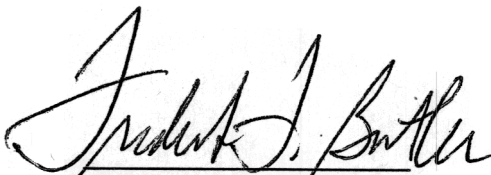
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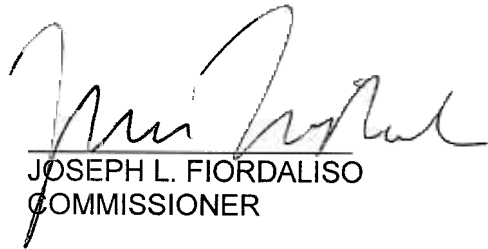
BOARD OF PUBLIC UTILITIES
BY:



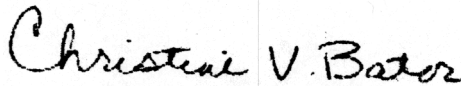
JEANNE M. FOX
PRESIDENT



FREDERICK F. BUTLER
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER



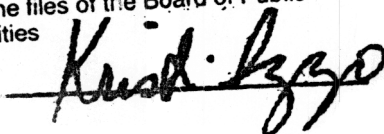
CHRISTINE V. BATOR
COMMISSIONER

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



FRANCES FINA, D/B/A GO WIRELESS COMMUNICATIONS, LLC
v.
ATLANTIC CITY ELECTRIC COMPANY

BPU DOCKET NO. EC06120860U
OAL DOCKET NO. PUC 00949-2007S

SERVICE LIST

George R. Piperno, Esq.
30 South Haddon Avenue
P.O. Box 301
Haddonfield, New Jersey 08033

Philip J. Passanante, Esq.
Atlantic City Electric Company
800 King Street, 5th Floor
P.O. Box 231
Wilmington, Delaware 19899-0231

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
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07102

have reviewed the record and the terms of settlement and

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NEWARK, N.J.

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

November 15, 2007

DATE

Patricia M. Kerins

PATRICIA M. KERINS, ALJ

Date Received at Agency:

11/20/07

Mailed to Parties:

John Sanders

DIRECTOR AND
CHIEF ADMINISTRATIVE LAW JUDGE

OFFICE OF ADMINISTRATIVE LAW

NOV 16 2007

DATE

bdt

FRANCES FINA, d/b/a GO WIRELESS COMMUNICATIONS, LLC,	STATE OF NEW JERSEY OFFICE OF ADMINISTRATIVE LAW
Petitioner,	
v.	OAL Docket No. PUCCC 00949-2007S BPU Docket No. EC06120860U
ATLANTIC CITY ELECTRIC COMPANY,	
Respondent.	RECEIVED 2007 NOV 13 A 11:51 STATE OF NEW JERSEY OFFICE OF ADMINISTRATIVE LAW
<u>STIPULATION OF SETTLEMENT</u>	

The undersigned counsel for the Petitioner, Frances Fina (herein, "Petitioner"), and Respondent, Atlantic City Electric Company (herein, "ACE"), hereby stipulate that, as of this 7th day of November, 2007, the following is an agreed settlement by and between the parties hereto in connection with the above-captioned contested case. (Petitioner and Respondent will be collectively referred to herein as the "Parties.")

WHEREAS, from August 24, 2004 to January 5, 2006, ACE provided electric energy to Petitioner at a business located at 307 North High Street, in the City of Millville, County of Atlantic, State of New Jersey (08332), Account No. 3178 8889 9976; and

WHEREAS, Petitioner disputed amounts that were billed to Petitioner by ACE associated with electric usage at said premises totaling approximately \$7,973.07; and

WHEREAS, by letter dated December 6, 2006, Petitioner filed a written complaint with the New Jersey Board of Public Utilities (herein, the "Board"), Docket No. EC06120860U; and

WHEREAS, the matter was transferred by the Board to the Office of Administrative Law and was assigned Docket No. PUCCC 00949-2007S; and

WHEREAS, the Parties have come to a complete and final agreement resolving all issues and claims related thereto and between them.

NOW, THEREFORE, ACE and Petitioner, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound hereby, agree as follows:

1. Petitioner's claim will be settled for \$4,650.00. Upon ACE's receipt and successful negotiation of Petitioner's payment in the amount of \$4,650.00, ACE will issue a credit adjustment to Petitioner's account in the amount of \$3,323.07. Said \$3,323.07 credit adjustment represents an amount disputed by Petitioner and compromised by ACE in accordance with the terms of this settlement. Petitioner agrees that settlement funds will be payable by certified check, bank check or money order.

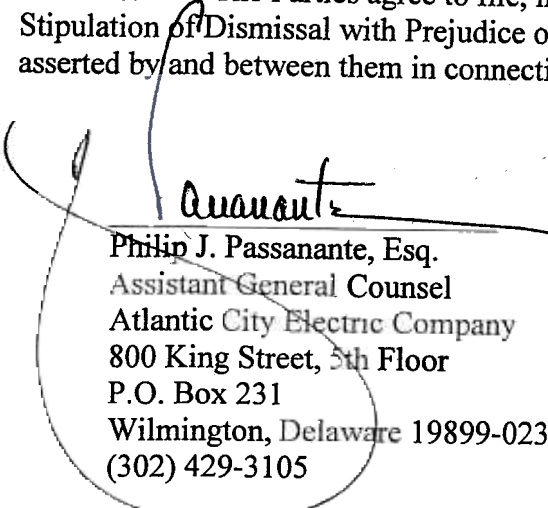
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Stipulation of Settlement and the effects thereof have been fully explained to that representative by its counsel; (c) that the representative fully understands each term of this Stipulation of Settlement and its effect; and (d) that no party has relied on any statement, representation or inducement (whether material, false, negligently made or otherwise) of the other party and not contained herein, with respect to said party's decision to execute this Stipulation of Settlement.

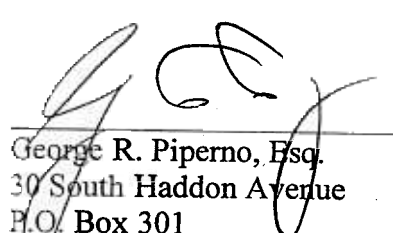
4. This Stipulation of Settlement may not be modified or amended, nor shall any of its provisions be waived, unless such modification, amendment or waiver is memorialized in a writing, signed by the Parties hereto.

5. This Stipulation of Settlement shall be binding upon and shall inure to the benefit of the Parties hereto and their respective successors and assigns, provided however, that neither party shall assign or delegate this document, in whole or in part, without the prior written consent of the other party hereto.

6. The Parties agree to file, in the form attached hereto as Exhibit A, a Stipulation of Dismissal with Prejudice of all claims which were or could have been asserted by and between them in connection with the above-docketed matter.


Philip J. Passanante, Esq.
Assistant General Counsel
Atlantic City Electric Company
800 King Street, 5th Floor
P.O. Box 231
Wilmington, Delaware 19899-0231
(302) 429-3105

Dated: NOV - 7 2007


George R. Piperno, Esq.
30 South Haddon Avenue
P.O. Box 301
Haddonfield, New Jersey 08033
(856) 429-8440

Dated: 10/23/07

FRANCES FINA, d/b/a GO WIRELESS
COMMUNICATIONS, LLC,

Petitioner,

v.

ATLANTIC CITY ELECTRIC
COMPANY,

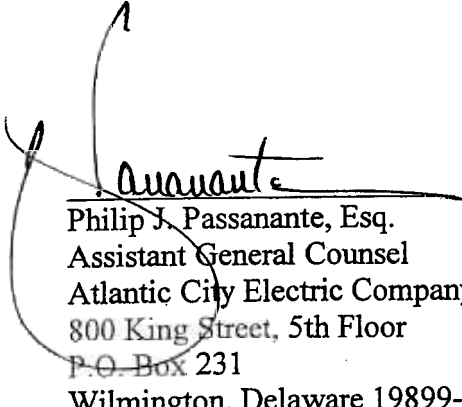
Respondent.

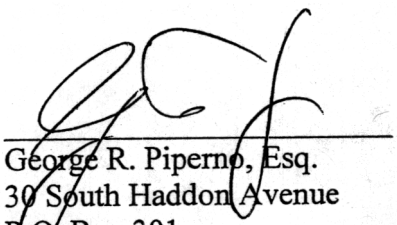
STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

OAL Docket No. PUCCC 00949-2007S
BPU Docket No. EC06120860U

STIPULATION OF DISMISSAL WITH PREJUDICE

The parties to this action, by and through their undersigned counsel, hereby stipulate that the above-captioned contested case may be dismissed, with prejudice, as a settlement has been reached by all parties hereto.


Philip J. Passanante, Esq.
Assistant General Counsel
Atlantic City Electric Company
800 King Street, 5th Floor
P.O. Box 231
Wilmington, Delaware 19899-0231
(302) 429-3105


George R. Piperno, Esq.
30 South Haddon Avenue
P.O. Box 301
Haddonfield, New Jersey 08033
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Dated: NOV - 7 2007

Dated: 10/23/07

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BOARD OF PUBLIC UTILITIES
NEWARK, N.J.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW
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 NOV 16 2007