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

CUSTOMER ASSISTANCE

SHERL WILSHER,

PETITIONER,

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY,

RESPONDENT

ORDER ADOPTING INITIAL DECISION
SETTLEMENT

BPU DOCKET NO. EC06100765U
OAL DOCKET NO. PUC11852-2006N

(SERVICE LIST ATTACHED)

BY THE BOARD:

On October 31, 2006, Sherl Wilsher (Petitioner) filed a petition with the Board disputing the bill of Public Service Electric and Gas 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. 52:14-B1 et seq. and N.J.S.A. 52:14F-1 et seq. The matter was assigned to Administrative Law Judge (ALJ) Sandra Ann Robinson.

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 21, 2007 and submitted to the Board on November 30, 2007, to which the Stipulation was attached and made part thereof, ALJ Robinson 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 Stipulation, Respondent has agreed to bill the account which is the subject of this matter at its residential rate and issue a credit to that account in the amount of $1,130.00, leaving a balance of $9,026.00. In turn, the Petitioner has agreed to timely pay all current bills beginning with the November 2007 bill and continuing until April 2008, during which time no payments on the arrears will be due. In April 2008, the parties will negotiate a payment
plan for the arrears if Petitioner does not qualify for Universal Service Fund (USF) assistance.\(^1\) In addition, Respondent further agreed to provide the Petitioner with information on USF and other payment assistance programs. Respondent will also provide the Petitioner with a six-year history of electric usage on the subject account, after which a conference call will be held in order to discuss any concerns or issues that Petitioner may have and effort will be made to reach a resolution on any such issues. Finally, the Petitioner agreed to allow access to Respondent on November 19, 2007 for the purpose of reading the meter.

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

DATED: 1/17/08

BOARDS OF PUBLIC UTILITIES
BY:

JEANNE M. FOX
PRESIDENT

FREDERICK F. BUTLER
COMMISSIONER

JOSEPH L. FIORDALISIO
COMMISSIONER

CHRISTINE V. BATOR
COMMISSIONER

ATTEST:

KRIStiizzo
SECRETARY

\(^1\) It is noted that the Settlement provides that Petitioner must pay all current bills continuing until April 2007, and that in April 2007 the parties will then negotiate a payment plan. Given that the Stipulation was entered in November 2007, it clearly was the intention of the parties to use April 2008 in the Settlement and not April 2007, and this Order reflects a correction of that error.
SHERL WILSHER

v.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU DOCKET NO. EC06100765U
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SHERL WILSHER,
   Petitioner,

v.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY,
   Respondent.

__________________________________________________________

Sherl Wilsher, pro se

Sheree L. Kelly, Esq., for respondent

Record Closed: November 21, 2007               Decided: November 21, 2007

BEFORE SANDRA ANN ROBINSON, ALJ:

The hearing scheduled for November 16, 2007 was converted to a settlement conference. On November 16, 2007, the undersigned discussed the terms and conditions of the attached settlement agreement with the parties and language for the proposed agreement were placed on the record. Prior to the date of hearing the parties settled the matter. The attached executed Stipulation of Settlement was submitted on November 21, 2007, setting forth 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.

November 21, 2007

SANDRA ANN ROBINSON, ALJ

Mailed to Parties:

OFFICE OF ADMINISTRATIVE LAW
STIPULATION OF SETTLEMENT

This matter having been brought before the New Jersey Board of Public Utilities by the Petitioner, Sheri Wilsher ("Petitioner"), against Respondent Public Service Electric and Gas Company ("PSE&G" or "Respondent") and transferred to the Office of Administrative Law before the Honorable Sandra Ann Robinson, A.L.J., for utility service rendered by PSE&G to the Petitioner at 153 Fairmont Avenue, Newark, New Jersey 07103 ("the Property"), and the Parties having agreed to settle this matter, hereby set forth the terms and conditions of their settlement agreement as follows:

1. As of November 13, 2007, balance on account number 11 410 384 20 is $10,156.65.

2. PSE&G agrees to bill the customer at the residential rate for account number 11 410 384 20.

3. PSE&G will credit Petitioner’s account number 11 410 384 20 in the amount of $1,130.00, leaving an amount due of $9,026.00, ("arrears") on the subject account.

4. Petitioner agrees to pay current bills monthly bills on account number 11 410 384 20 on a timely basis beginning with the November 2007 bill and continuing until April 2007. During this time period no payments on the arrears shall be due.

5. In April 2007, a payment plan to address the arrears shall be negotiated between Petitioner and Respondent, if Petitioner does not qualify for the Universal Service Fund ("USF") Assistance.

6. Respondent agrees to have a representative from PSE&G’s payment assistance group call Petitioner to provide information on USF and other payment assistance programs.

7. Respondent will provide Petitioner with the electric usage history for account number 11 410 384 20 for a period of six years. Once Petitioner has had an opportunity to review same, a conference call will be held between Respondent and Petitioner to
discuss and concerns or issues Petitioner may have in connection with the electric usage on the subject account. Every effort will be made to reach a resolution on those issues.

8. Petitioner will allow PSE&G representative access to read the meters the Property on November 19, 2007.

Petitioner Sheri Wilsher
By: Sheri Wilsher
Date: November 20, 2007

Respondent PSE&G
By: Edward B. Sullivan
Manager Customer Operations
Date: November 21, 2007
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.