



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

CUSTOMER ASSISTANCE

THEODORE UBANWA,)	ORDER ADOPTING INITIAL DECISION
PETITIONER,)	SETTLEMENT
v.)	
)	
NEW JERSEY AMERICAN WATER COMPANY,)	BPU DOCKET NO. WC08020121U
RESPONDENT.)	OAL DOCKET NO. PUC 05834-08

(SERVICE LIST ATTACHED)

BY THE BOARD:

On February 28, 2008, Theodore Ubanwa (Petitioner) filed a petition with the Board of Public Utilities (Board) disputing certain bills of New Jersey American Water Company (Respondent) for water services.

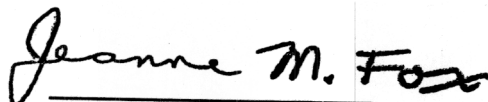
After the filing of Respondent's answer, the Board transmitted this matter to the Office of Administrative Law (OAL) for hearing and initial disposition as a contested case pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. This matter was assigned to Administrative Law Judge (ALJ) Gail M. Cookson.

While this matter was pending at the OAL, the parties engaged in negotiations and entered into and executed a Settlement Agreement dated July 11, 2008 that was submitted to the ALJ. By Initial Decision issued on August 20, 2008, and submitted to the Board on August 26, 2008, ALJ Cookson 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 their settlement, the parties agreed that, of the \$1,421.65 in dispute, the Petitioner's payment of \$100.00 would constitute a full and final settlement of this matter. In return, Petitioner agreed that the petition in this matter should be dismissed with prejudice.


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 agreement, the parties have resolved all outstanding contested issues in this matter. Accordingly, the Board HEREBY ADOPTS the Initial Decision and agreement of the parties in their entirety as if fully set out herein.

DATED: 10/6/08

BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER

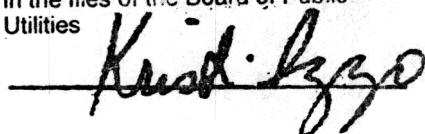

NICHOLAS ASSELTA
COMMISSIONER


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



THEODORE UBANWA

v.

NEW JERSEY AMERICAN WATER COMPANY

BPU Docket No. WC08020121U

OAL Docket No. PUC05834-08

SERVICE LIST

Theodore Ubanwa
P.O. Box 8251
Newark, New Jersey 07108

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OFFICE OF ADMINISTRATIVE LAW

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BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

FORD-WILLIAMS
(2)

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 05834-08

AGENCY DKT. NO. WC08020121U

THEODORE UBANWA,

Petitioner,

v.

NEW JERSEY AMERICAN

WATER COMPANY,

Respondent.

Theodore Ubanwa, pro se

Robert J. Brabston, Esq., for respondent New Jersey American Water Company

Record Closed: August 19, 2008

Decided: August 20, 2008

BEFORE GAIL M. COOKSON, ALJ:

On May 15, 2008, this matter was transmitted to the Office of Administrative Law (OAL) for hearing 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. The matter was scheduled for an in-person prehearing conference on July 22, 2008. On that date the parties reached an agreement. The parties subsequently submitted a fully executed settlement document which is attached hereto and made part hereof. I have reviewed the record and terms of the Settlement and **FIND:**

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

I **CONCLUDE** that the agreement meets the requirements of N.J.A.C. 1:1-19.1 and therefore, it is **ORDERED** that the parties comply with the settlement terms and that these proceedings be and are hereby 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.

August 20, 2008
DATE


GAIL M. COOKSON, ALJ

Date Received at Agency: 8/26/08


Mailed to Parties:

DATE
pb

OFFICE OF ADMINISTRATIVE LAW

Theodore Ubanwa v. New Jersey American Water Company
BPU Docket No. WC08020121U/OAL Docket No. PUGCC 05834-2008N

Settlement Agreement

This Settlement Agreement is made by and between **NEW JERSEY-AMERICAN WATER COMPANY, INC. ("NJAWC")**, a corporation doing business at 131 Woodcrest Road, Cherry Hill, New Jersey 08034 and **Theodore Ubanwa**, a NJAWC customer with service being provided at 14 Evelyn Court, Maplewood, New Jersey 07040, and having NJAWC Account Number 18-1430443-07 ("Customer") (NJAWC and Customer are collectively hereinafter sometimes referred to as the "Parties"). In consideration of the mutual covenants, conditions and terms contained herein, the Parties to this Settlement Agreement agree to be legally bound hereby as follows:

1. The Parties agree that of the \$1,421.65 in dispute, Customer's payment of \$100.00 on July 21, 2008 constitutes a full and final settlement of this matter.
2. Customer agrees to dismiss his complaint filed against NJAWC under BPU Docket No. WC08020121U/OAL Docket No. PUGCC 05834-2008N with prejudice and will provide written notification to NJAWC and the Honorable Gail Cookson, ALJ, that he has done so.
3. This Settlement Agreement shall be governed by, construed and enforced in accordance with the laws of the State of New Jersey. In the event that any provision of this Settlement Agreement is deemed unenforceable, those portions not deemed unenforceable shall remain in full force and effect.
4. Any modification of this Settlement Agreement, or additional obligation(s) assumed by either party in connection with this Settlement Agreement, shall be binding only if evidenced in writing and signed by each party.

IN WITNESS WHEREOF, the Parties understand and agree to the terms of this Settlement Agreement and have duly executed this Settlement Agreement on this 11 day of July, 2008. The parties acknowledge that this Settlement Agreement is entered into voluntarily and that no representation or inducement has been offered or made, except as contained herein. Customer further acknowledges that he has fully reviewed this Settlement and understands its contents.

WITNESS:

Aki Azu

CUSTOMER:

By: Theodore Ubanwa
Theodore Ubanwa

WITNESS:

Gina Carney

New Jersey-American Water Company, Inc.

By: Suzana Loricar
Suzana Loricar



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW
33 Washington Street
Newark, New Jersey 07102
(973) 648-6008
(973-648-6058)

COPY

Robert J. Giordano, ALJ &
Manager of Organizational Development

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MAIL ROOM
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BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

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CASE MANAGEMENT
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BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

NORTH

Date AUG 22 2008

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

5834-08

Theodore URBANWA

7215-08

DENNIS R. MCKENZIE

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

Date:

8/24/08

[Signature]
Board of Public Utilities