



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

CUSTOMER ASSISTANCE

THOMAS BOSCIA,	)	ORDER ADOPTING INITIAL DECISION
PETITIONER,	)	SETTLEMENT
v.	)	
	)	
ELIZABETHTOWN GAS COMPANY,	)	BPU DOCKET NO. GC08030159U
RESPONDENT.	)	OAL DOCKET NO. PUC12668-08

Thomas Boscia, Avenel, New Jersey, pro se

Mary Patricia Keefe, Esq, Elizabethtown Gas Company, Berkeley Heights, New Jersey, for the Respondent

**BY THE BOARD:**

On March 18, 2008, Thomas Boscia (Petitioner) filed a petition with the Board of Public Utilities (Board) disputing the billing of Elizabethtown Gas Company (Respondent) related to the provision of utility service.

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) Walter M. Braswell.

While this matter was pending at the OAL, the parties engaged in negotiations and entered into and executed a Stipulation of Settlement (Settlement) dated by the Petitioner and the Respondent on October 5, 2009, that was submitted to the ALJ. By Initial Decision issued on October 29, 2009, and submitted to the Board on November 6, 2009, ALJ Braswell found that the Settlement 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.

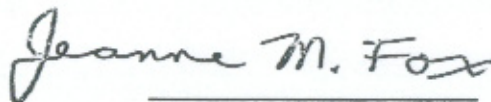
Pursuant to the terms of the Settlement, the parties agreed that: (1) Petitioner shall make a lump sum payment to Respondent in the amount of \$770.90 within thirty (30) days of the entry of the Settlement and further agrees to withdraw the complaint that is the subject of this

proceeding; (2) If Petitioner fails to make timely payment, Respondent shall be entitled to pursue any rights to discontinue service in accordance with Board's regulations and to proceed with collection in accordance with applicable law; and (3) Upon timely payment by Petitioner of the specified amount, Respondent will release any and all claims for unpaid amounts with respect to the bills from the affected account for the period April 1, 2005, through January 1, 2008. In addition, the parties further agreed that should any particular aspect of the Settlement not be adopted by the Board, the party adversely affected can either accept the Board's modification or declare the Settlement to be null and void, thus placing the parties in the same position that they were in prior to the execution of the Settlement.

After review and consideration of the Initial Decision and the Settlement of the parties, the Board HEREBY FINDS that the terms of the Settlement resolve all outstanding contested issues. Accordingly, the Board HEREBY ADOPTS the Initial Decision and Stipulation of Settlement of the parties in their entirety as if fully set out herein.

DATED: 12/11/09

BOARD OF PUBLIC UTILITIES  
BY:



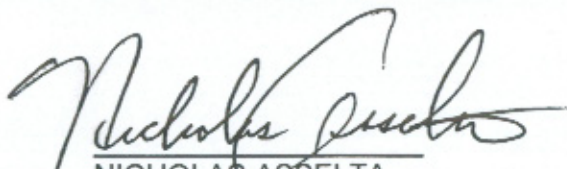
JEANNE M. FOX  
PRESIDENT



FREDERICK F. BUTLER  
COMMISSIONER



JOSEPH L. FIORDALISO  
COMMISSIONER



NICHOLAS ASSELTA  
COMMISSIONER



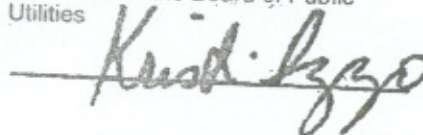
ELIZABETH RANDALL  
COMMISSIONER

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





**THOMAS BOSCIA  
v.**

**ELIZABETHTHWON GAS COMPANY  
BPU Docket No. GC08030159U  
OAL Docket No. PUC12668-08**

**SERVICE LIST**

Thomas Boscia  
1404 Madeline Drive  
Avenel, New Jersey 07001-1382

Mary Patricia Keefe, Esq.  
Elizabethtown Gas Company  
300 Connell Drive – Suite 3000  
Berkeley Heights, New Jersey 07922

Eric Hartsfield, Director  
Julie Ford-Williams  
Division of Customer Assistance  
Board of Public Utilities  
Two Gateway Center  
Newark, New Jersey 07102

Kerri Kirschbaum, DAG  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07102

CHAS  
BESLOW  
RPA

MILLER-HOLLAND

KIRSCHBAUM

~~PORRILLIAMS~~ (2)



*State of New Jersey*  
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 12668-08

AGENCY DKT. NO. GC08030159U

**THOMAS BOSCIA,**

Petitioner,

v.

**ELIZABETHTOWN GAS COMPNAY,**

Respondent.

---

Thomas Boscia, petitioner, appearing pro se

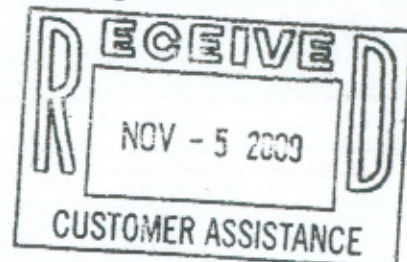
M. Patricia Keefe, Esq. appearing on behalf of respondent (Elizabethtown Gas)

Record Closed: October 29, 2009

Decided: October 29, 2009

BEFORE **WALTER M. BRASWELL, ALJ:**

On December 29, 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 assigned to the undersigned on or about June 18, 2007. A telephone prehearing was scheduled on February 24, 2009 at which time a status conference was scheduled for September 8, 2009. A hearing was conducted on September 18, 2009 wherein the parties reached a tentative settlement. On October 29, 2009 the OAL received a fully executed Stipulation of Settlement indicating the terms of the agreement, which are incorporated herein by reference.





I have reviewed the record and terms of the Stipulation of 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.

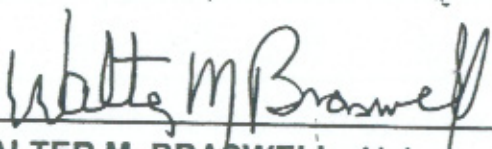
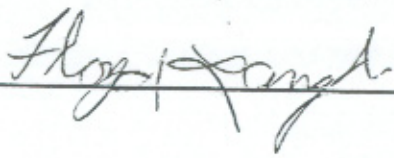
October 30, 2009

\_\_\_\_\_  
DATE

Date Received at Agency: 11-2-09

Date Mailed to Parties:

ljb

  
\_\_\_\_\_  
WALTER M. BRASWELL, ALJ  
  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF NEW JERSEY  
OFFICE OF ADMINISTRATIVE LAW

BOSCIA, THOMAS	X	
	:	
Vs.	:	BPU Docket No. GC08030159U
	:	OAL Docket No. PUCC12668-2008N
	:	
PIVOTAL UTILITY HOLDINGS, INC.	:	
d/b/a ELIZABETHTOWN GAS	:	
	X	

**STIPULATION OF SETTLEMENT**

WHEREAS, on or about March 18, 2008, Thomas Boscia ("Boscia") filed the above-referenced Complaint wherein it disputed bills from Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas ("Elizabethtown" or "Company") for gas service at the property located at 1404 Madeline Drive, Avenel, New Jersey (the "Property");

WHEREAS, the Company filed an Answer to Boscia's Complaint and the New Jersey Board of Public Utilities ("NJBPU" or "Board") transmitted the matter to the Office of Administrative Law ("OAL") as a contested case for adjudication;

WHEREAS, in the interests of resolving this matter without further delay, effort and cost, the parties hereto agreed to settle this matter;

**IT IS THEREFORE AGREED AS FOLLOWS:**

1. In full satisfaction of the outstanding past due balance owed for the period April 1, 2005 through January 1, 2008, Boscia agrees to make a lump sum payment to the Company of \$ 770.90 ("Settlement Amount") within thirty (30) days of entry of this Stipulation of Settlement ("Stipulation").
2. Boscia further agrees to withdraw the Complaint that is the subject of this proceeding.
3. If Boscia fails to make timely payment of the Settlement Amount, the Company shall be entitled to pursue any rights to discontinue service in accordance with Board regulations and to proceed with collection in accordance with applicable law.
4. Upon payment of the Settlement Amount within the time period specified above in paragraph 1, Elizabethtown hereby releases any and all claims for unpaid amounts with respect to the bills from the Property for the period April 1, 2005 through January 1, 2008.
5. The undersigned agree that this Stipulation contains mutually balancing and interdependent provisions and is intended to be accepted and approved in its entirety. In



the event any particular aspect of this Stipulation is not accepted and approved by the Board or modified by the Board, the party that is adversely affected by the modification can either accept the modification or declare this Stipulation to be null and void, and the parties shall be placed in the same position that they were in immediately prior to its execution.

6. This Stipulation may be subject to BPU approval.

PIVOTAL UTILITY HOLDINGS, INC.  
d/b/a ELIZABETHTOWN GAS

By: Mary Patricia Keefe  
Mary Patricia Keefe  
Vice President and Assistant  
Corporate Secretary

Dated:

THOMAS BOSCIA

Thomas Boscia

Dated: 10/5/09



COPY

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

2009 NOV -2 PM 1:53  
BOARD OF PUBLIC UTILITIES  
NEWARK, N.J.

RECEIVED  
MAIL ROOM

09 NOV -2 AM 11:54

2009 NOV -2 PM 11:54  
BOARD OF PUBLIC UTILITIES  
NEWARK, N.J.

NORTH

Date OCT 30 2009

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

17668-08

THOMAS BOSCIA

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

Date: 11-2-09

[Signature]  
Board of Public Utilities