



Agenda Date: 12/1/09
Agenda Item: VIID

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

CUSTOMER ASSISTANCE

RICHARD AND EATHER PICKENS,)	ORDER ADOPTING INITIAL DECISION
Petitioner)	SETTLEMENT
v.)	
)	BPU DOCKET NO. EC08090714U
ATLANTIC CITY ELECTRIC COMPANY)	OAL DOCKET NO. PUC2390-09
Respondent)	

Richard and Eather Pickens, Sicklerville, New Jersey, pro se

Philip J. Passanante, Esq. Wilmington, Delaware, on behalf of Respondent,
Atlantic City Electric Company

Cynthia L.M. Holland, DAG, Division of Law, Newark, New Jersey,
on behalf of the Staff of the Board of Public Utilities

BY THE BOARD:

On September 10, 2008, Richard and Eather Pickens ("Petitioner") filed a petition with the Board requesting a formal hearing related to a billing dispute with Atlantic City Electric Company ("Respondent") regarding a bill for utility service provided by Respondent.

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") W. Todd Miller.


While this matter was pending at the OAL, the parties engaged in negotiations and, on September 14, 2009, entered into and signed a Stipulation of Settlement ("Settlement") that was submitted to the ALJ. By Initial Decision issued on October 21, 2009, and submitted to the Board on November 2, 2009, to which the Settlement was attached and made part thereof, ALJ Miller found that the Settlement was voluntary, that its terms fully disposed of all issues in controversy and that it satisfied the requirements of N.J.A.C. 1:1-19.1. Pursuant to the terms of the Settlement, Respondent will credit the Petitioner's account in the amount of \$2,300.00. At

the time of the signing of the Stipulation, Petitioner's account balance totaled \$7,028.80 which would result in a total remaining balance of \$4,728.80 after the credit of \$2,300.00 is applied. The parties have further agreed that the total remaining balance of \$4,728.80 will be paid by Petitioner on a 60-month, interest-free deferred payment arrangement, beginning September 25, 2009, which will provide for 59-installments of \$79.00 and a final 60th installment of \$67.80 in addition to monthly charges. The Petitioner also agreed that failure to make the required monthly payments could lead to the cancellation of the agreement and allow Respondent to utilize its normal collection practices to seek collection of the entire balance due. In addition, by Stipulation of Dismissal with Prejudice signed by the Petitioner and the Respondent on October 7, 2009, and October 19, 2009, respectively, the parties agreed that this matter could be dismissed with prejudice as a settlement had been reached.

After review of the Initial Decision and the Settlement of the parties, the Board HEREBY FINDS that, by the terms of the Stipulation of Settlement the parties have resolved all outstanding contested issues in this matter. Accordingly, the Board HEREBY ADOPTS the Initial Decision and the Stipulation of Settlement executed by the parties in their entirety as if fully set forth herein.

DATED: 12/1/09

BOARD OF PUBLIC UTILITIES
BY:




JEANNE M. FOX
PRESIDENT



FREDERICK F. BUTLER
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER

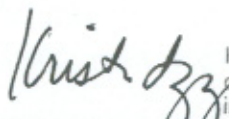
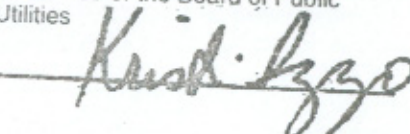


NICHOLAS ASSELTA
COMMISSIONER



ELIZABETH RANDALL
COMMISSIONER

ATTEST:

 I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public
Utilities
KRISTI IZZO
SECRETARY


RICHARD AND EATHER PICKENS

v.

ATLANTIC CITY ELECTRIC COMPANY

**BPU DOCKET NO. EC08090714U
OAL DOCKET NO. PUC02390-09S**

SERVICE LIST

Richard and Esther Pickens
2 Pennsbury Place
Sicklerville, New Jersey 08081

Philip J. Passanante, Esq.
Atlantic City Electric Company
800 King Street
Wilmington, Delaware 19801

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

Cynthia L.M. Holland, DAG
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

CIVIS
BUSLOW
RPA



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

2009 NOV -2 PM 1:58
STATE OF NEW JERSEY
NEWARK, N.J.

MILLER-HOLLAND
ROCHE-ROMAING
~~FOR CONSIDERATION~~

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 2390-09

AGENCY REF. NO. EC08090714U

RICHARD AND EATHER PICKENS,

Petitioners,

v.

ATLANTIC CITY ELECTRIC COMPANY,

Respondent.

Richard and Eather Pickens, petitioners, pro se

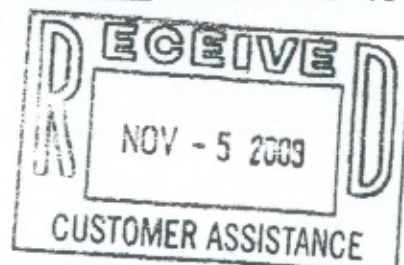
Philip J. Passanante, Esq., for respondent

Record Closed: October 21, 2009

Decided: October 21, 2009

BEFORE W. TODD MILLER, ALJ:

This matter was transmitted to the Office of Administrative Law on March 3, 2009, for determination 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.



have reviewed the record and the terms of settlement and I **FIND**:

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.

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 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.

10-21-09
DATE

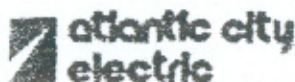
Date Received at Agency: 11/2/09

Date Mailed to Parties:

/sd

W. Todd Miller
W. TODD MILLER, ALJ
OCT 26 2009
[Signature]
OCT 26 2009

5 Collins Drive #84022
Corrigan Point, NJ 08069



September 14, 2009

VIA FACSIMILE 856-629-5536

Richard and Esther Pickens
2 Pennsbury Place
Turnersville, NJ 08012

Re: BPU Petition EC08090714U
Account No. 0635267-9999 2

Dear Mr. and Mrs. Pickens:

This letter is to serve as a summary of our settlement agreement as discussed during our telephone conversation on September 14, 2009. In July 2008 your account was debited \$6,894.38 as a result of a non-registering condition at your Pennsbury Place home. For the purpose of resolving this dispute amicably and expeditiously, a mutual agreement was reached regarding the \$6,894.38 adjustment. It was agreed that you will accept responsibility of \$4,594.38 of the adjustment and Atlantic City Electric ("ACE") will credit you \$2,300.00.

Upon execution of this agreement \$2,300.00 will be credited to your current account at 2 Pennsbury Place. As of today, your account balance totals \$7,028.80; therefore, once the \$2,300.00 credit is applied your total remaining balance will be \$4,728.80. ACE has agreed to set up the remaining \$4,728.80 on a 60-month, interest-free deferred payment arrangement. This deferred arrangement will require you to pay 59-installments of \$79.00 and a final, 60th installment of \$67.80 in addition to your monthly charges. This arrangement will begin as of your September 25, 2009 bill. Please note that failure to make the required monthly payments by the due date will result in cancellation of the arrangement, collection of the full balance, and continuation of our normal collection process.

This letter will confirm your agreement that all matters arising out of this dispute as set forth above will be, and are, settled. You have further agreed that this fully executed and acknowledged letter agreement can be submitted to the New Jersey Board of Public Utilities as notification of settlement and request for withdrawal of the pending matter.

5 Collins Drive #84CF22
Camden Point, NJ 08069

Kindly indicate your agreement by signing below and returning a fully executed copy to me in the self-addressed envelope or via facsimile at (609) 625-5827 by September 25, 2009. A copy of this letter has been included for your records. Thank you for your cooperation in this matter.

Sincerely,

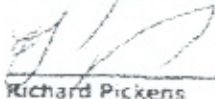


Agnes Carpenter
Senior Analyst
Regulatory/Executive Relations

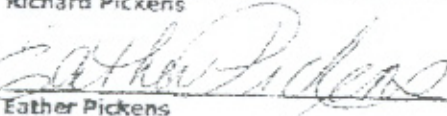
Enclosures

Cc: Kristi Izzo, NJ BPU

Acknowledged and agreed by:


Richard Pickens

9-14-09
Date


Heather Pickens

9/14/09
Date

RICHARD & EATHER PICKENS,

Petitioners,

v.

ATLANTIC CITY ELECTRIC
COMPANY,

Respondent.

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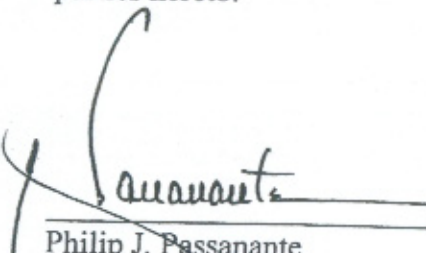
OCT 21 P 1:29

STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

OAL Docket No. PUC 02390-2009S
BPU Docket No. EC08090714U

STIPULATION OF DISMISSAL WITH PREJUDICE

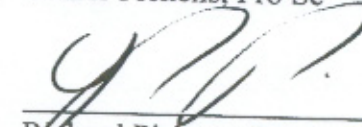
The parties to this action, Petitioners and Respondent, hereby stipulate that the above-captioned action may be dismissed, with prejudice, as a settlement has been reached by all parties hereto.


Philip J. Passanante
An Attorney at Law of the
State of New Jersey
800 King Street, 5th Floor
P.O. Box 231
Wilmington, DE 19899-0231
(302) 429-3105 - Telephone
(302) 429-3801 - Facsimile

Assistant General Counsel to
Atlantic City Electric Company

Dated: OCT 19 2009


Eather Pickens, Pro Se


Richard Pickens, Pro Se
2 Pennsbury Place
Sicklerville, New Jersey 08081
(856) 629-5501 - Telephone

Dated: 10/7/09