



CUSTOMER ASSISTANCE

BPU Dkt. No. GC10030178U
OAL Dkt. No. PUC05198-10

Mary Patricia Keefe, Esq., Berkeley Heights, New Jersey, and Deborah M. Franco, Esq., Garden City, New York, on behalf of Respondent, Elizabethtown Gas

While this matter was pending at the OAL, the parties engaged in negotiations and entered into and signed a Stipulation of Settlement ("Stipulation") that was submitted to the ALJ. By Initial Decision issued on August 30, 2010, and submitted to the Board on September 9, 2010, to which the Stipulation was attached and made part thereof, ALJ Moss found that the Stipulation 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 Stipulation, Respondent has agreed to remove any outstanding balance allegedly owed by Petitioner for the period of November 2008 through May 2009. The parties have further agreed that the Stipulation provides a final resolution of this proceeding.

After review of the record and the Stipulation of Settlement of the parties, the Board HEREBY FINDS that the parties have voluntarily agreed to the settlement as evidenced by their signatures and that by the terms of the Stipulation of Settlement, have fully resolved all outstanding contested issues in this matter.

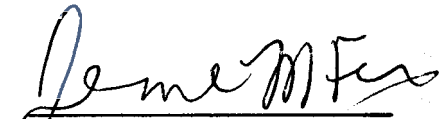
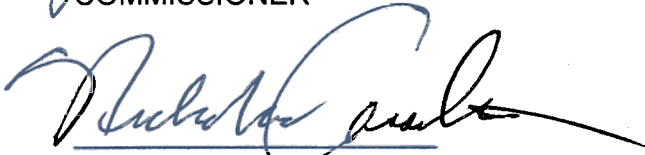
Accordingly, the Board HEREBY ADOPTS the Initial Decision and the Stipulation of Settlement executed by the parties in their entirety as if fully set forth herein.

DATED: 10/5/10

BOARD OF PUBLIC UTILITIES
BY:



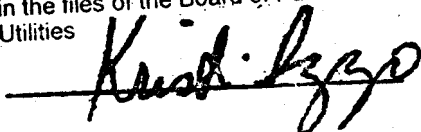
LEE A. SOLOMON
PRESIDENT


JEANNE M. FOX
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



SALLY GARDINER

V.

ELIZABETHTOWN GAS

BPU DOCKET NO. GC10030178U

OAL DOCKET NO. PUC05198-10

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Newark, New Jersey 07102

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(10)



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

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BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 05198-10

AGENCY DKT. NO. GC10030178U

SALLY GARDINER,

Petitioner,

v.

ELIZABETHTOWN GAS,

Respondent.



Sally Gardiner, petitioner, pro se

**Deborah Franco, Esq. and Mary Patricia Keefe, Vice President and Assistant
Corporate Secretary on behalf of respondent (PSE&G Services Corporation)**

Record Closed: August 27, 2010

Decided: August 30, 2010

BEFORE KIMBERLY A. MOSS, ALJ:

On May 17, 2010, 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. A telephone prehearing was conducted on July 19, 2010 at which time the parties discussed settlement. A follow up status conference was scheduled on August 17, 2010. On August 27, 2010 the parties submitted the fully executed Stipulation of Settlement indicating the terms of the agreement, which are incorporated herein by reference.

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.

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

9/30/10

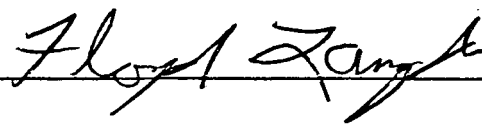
DATE

Date Received at Agency: 9/9/10

Date Mailed to Parties:

ljb


KIMBERLY A. MOSS, ALJ



**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

-----X
Sally Gardiner

v.

BPU Docket No. GC10030178U

Elizabethtown Gas
-----X

STIPULATION OF SETTLEMENT

To The Honorable Board of Public Utilities:

WHEREAS, Sally Gardiner ("Gardiner") filed with the Board two verbal complaints dated October 6, 2009, #09V00015624 ("October 2009 Complaint") and December 2, 2009, #09V00018693 ("December 2009 Complaint");

WHEREAS, in the October 2009 Complaint, Gardiner disputed a \$661.07 charge for natural gas service reflected on her July 13, 2009 bill;

WHEREAS, Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas ("Elizabethtown" or "Company") conducted a thorough investigation and concluded that Gardiner was incorrectly billed by \$264.38 and adjusted the \$661.07 amount downward to \$396.69 ("Outstanding Balance");

WHEREAS, the Outstanding Balance derives from a billing error involving Gardiner's prior residence, 55 Wall Street (Account Number 4421012548) during the period November 2008 through May 2009. More specifically, in July 2009, the Company discovered that Gardiner, whose apartment was located on the first floor of the building, was being incorrectly billed for gas service provided to an apartment on the second floor of the building, resulting in undercharges for the period November 2008 through May 2009;

WHEREAS, Gardiner disputed the Outstanding Balance in the December 2009 Complaint;

WHEREAS, on or about March 5, 2010, Gardiner filed the above petition requesting a formal hearing with the Board ("March 2010 Request") to dispute the Outstanding Balance and requested proof of the Outstanding Balance;

WHEREAS, on or about April 14, 2010, the Company filed an Answer to Gardiner's Petition with Exhibits to support its request for the Outstanding Balance;

WHEREAS, while this matter was pending at the Board, the parties engaged in negotiations and entered into this Stipulation of Settlement ("Stipulation");

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. Although not agreeing with the merits of the allegations expressed in the Petition, in the interests of good customer relations, Elizabethtown agrees to adjust the Outstanding Balance owed by Gardiner for the period November 2008 through May 2009 to \$0.

2. This Stipulation provides for a final resolution of this proceeding.

3. 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.

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

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

Dated: July __, 2010

By: Sally Gardiner
Sally Gardiner

Dated: July __, 2010
Aug 7/2010



Elizabethtown Gas[®]

An AGL Resources Company

360 Corral Drive, Suite 3000
Hershey Heights, NJ 07922
(908) 788-5000 (phone)
www.elizabethtowngas.com

August 24, 2010

Honorable Kimberly Moss
Administrative Law Judge
Office of Administrative Law
33 Washington Street
Newark, New Jersey 07102

Re Sally Gardiner v. Elizabethtown Gas
BPU Docket No. GC10030178U
OAL Docket No. PUC 05198-10

Dear Judge Moss:

Enclosed for filing is a fully executed Stipulation of Settlement to resolve the above-referenced proceeding. It is respectfully requested that Your Honor recommend approval of the Stipulation and grant such other relief as may be needed to fully resolve this matter.

Please feel free to contact me at (908) 771-8220 if you have any questions or require additional information. Thank you.

Respectfully submitted,

May Patricia Keefe

M. Patricia Keefe
Vice President and
Assistant Corporate Secretary

cc: Petitioner
(via e-mail: sduvall1@yahoo.com and regular mail)
Board of Public Utilities
(via e-mail: kristi.izzo@bpu.state.nj.us)

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

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

Dated: ~~July __, 2010~~
August 19, 2010

By: _____
Sally Gardiner

Dated: July __, 2010