



Agenda Date: 9/16/10

Agenda Item: VIIC

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center, Suite 801
Newark, NJ 07102
www.nj.gov/bpu/

CUSTOMER ASSISTANCE

CHARMANE L. DAVIS,)	ORDER ADOPTING INITIAL
Petitioner)	DECISION SETTLEMENT
)	
V)	
)	
PUBLIC SERVICE ELECTRIC AND GAS COMPANY,)	
Respondent)	BPU Dkt. No. EC09120960U
)	OAL Dkt. No. PUC1794-10

Charmane L. Davis, Paterson, New Jersey, appearing *pro se*

Alexander C. Stern, Esq., Newark, New Jersey, on behalf of Respondent, Public Service Electric and Gas Company

BY THE BOARD:

On December 1, 2009, Charmane L. Davis ("Petitioner") filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to a billing dispute with Public Service Electric and Gas Company ("Respondent") for utility services rendered 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") Kimberly A. Moss.

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 11, 2010, and submitted to the Board on August 16, 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 agrees to credit the Petitioner's account by \$2,300.00 and not to assess a \$578.00 customer deposit at this time. Petitioner acknowledges that after the application of the aforesaid credit, there will still be an outstanding overdue balance on the account in the amount of \$1,477.06.

Towards this end, Petitioner agrees that in addition to making timely payments of current bills, she will also make thirteen (13) supplemental payments of \$100.00 per month, commencing with the first bill rendered after the execution of the Stipulation. The fourteenth (14) payment will be in the amount of \$177.06. Petitioner also agrees to pay current bills in a timely manner and understands that if payment is not made pursuant to the terms of the Stipulation, Respondent may exercise its rights in accordance with its tariff and Board rules.

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.

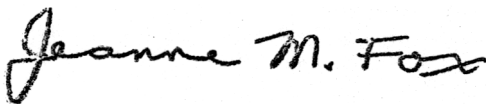
Accordingly, the Board HEREBY ADOPTS the Initial Decision and the Stipulation of Settlement executed by the parties in their entirety as if fully set forth herein.

DATED: 9/16/10

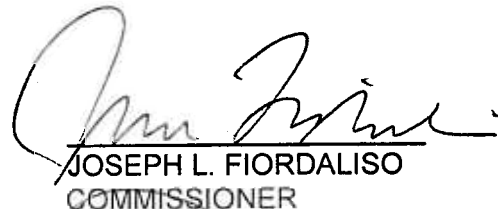
BOARD OF PUBLIC UTILITIES
BY:



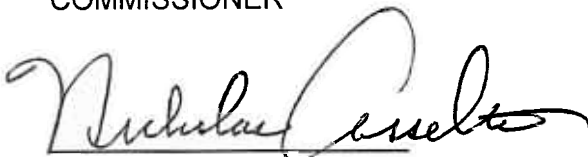
LEE A. SOLOMON
PRESIDENT



JEANNE M. FOX
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER



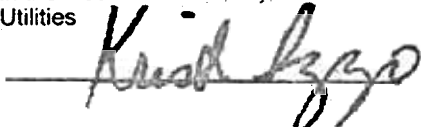
NICHOLAS ASSELTA
COMMISSIONER



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



CHARMANE L. DAVIS

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU DOCKET NO. EC09120960U

OAL DOCKET NO. PUC1794-10

SERVICE LIST

Charmane L. Davis
719 E. 25th Street, 2nd Floor
Paterson, New Jersey 07504

Alexander C. Stern, Esq.
PSEG Services Corporation
80 Park Plaza – T5G
Newark, New Jersey 07102-4194

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 07101

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BCA OF PUBLIC UTILITIES
NEWARK, N.J.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

MS
BIBLOW
T2PA
AMPBLCV
FORN-Williams (2)

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 1794-10

AGENCY DKT. NO. EC09120960U

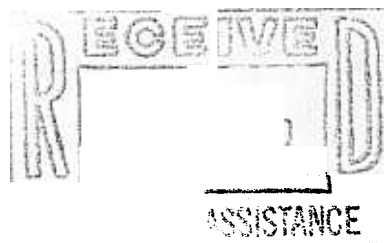
CHARMANE L. DAVIS.,

Petitioner,

v.

**PUBLIC SERVICE ELECTRIC AND GAS
COMPANY,**

Respondent.



Charmane L. Davis, petitioner, pro se

Alexander C. Stern, Esq. on behalf of respondent (PSE&G Services Corporation)

Record Closed: August 11, 2010

Decided: August 11, 2010

BEFORE KIMBERLY A. MOSS, ALJ:

On March 2, 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 April 20, 2010 at which time a hearing was scheduled for July 16, 2010. The July hearing was converted into a status conference at the request of respondent. The hearing was rescheduled for September 30, 2010. Prior to the hearing the parties resolved the matter. A Stipulation of Settlement was prepared and executed 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.

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.


8/11/10
DATE

Date Received at Agency: 8-16-10

Date Mailed to Parties:

ljb


KIMBERLY A. MOSS, ALJ


Floyd Zanghi

**STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW**

Charmane L. Davis)	
)	
)	BPU DOCKET NO. EC09120960U
Petitioner,)	OAL DOCKET NO. PUC 01794-2010N
)	
v.)	
)	STIPULATION OF SETTLEMENT
Public Service Electric & Gas Company)	
)	
Respondent.)	

On or about December 15, 2009 Petitioner filed the above-referenced billing dispute. Public Service Electric & Gas Company ("PSE&G" or "Respondent") filed an answer to the petition and the New Jersey Board of Public Utilities ("NJBP" or "Board") transmitted the matter to the Office of Administrative Law ("OAL") as a contested case for adjudication.

In the interests of resolving this matter amicably and to avoid further delay and costs to the parties, the parties hereto agreed to settle this matter in accordance with the following terms:

1. Petitioner has an account with PSE&G for electric and gas service to a premise located at 719 E. 25th St, 2nd Fl, Paterson, New Jersey.
2. Although not agreeing with the merits of the allegations expressed in the Petition, PSE&G agrees to credit \$2,300.00 to Petitioner's account.
3. PSE&G further agrees that a \$578.00 customer deposit that it anticipated assessing to the account will not be assessed at this time.
4. After application of the \$2,300.00 bill credit referenced in paragraph 2, Petitioner acknowledges that there will still be an outstanding overdue balance on the account owed to PSE&G for past electric and gas service rendered by PSE&G in the amount of \$1,477.06.
5. Petitioner agrees to timely pay her PSE&G bills for electric and gas service as well as to enter into a fourteen (14) month deferred payment arrangement ("DPA") with PSE&G to pay off the \$1,477.06 remaining settlement amount agreed to at the time of settlement.
6. In addition to current bills due and owing for electric and gas service provided by PSE&G, Petitioner agrees to make thirteen (13) supplemental payments of \$100 per month in addition to monthly utility bills commencing with the first bill received after execution of this Stipulation of Settlement. In the fourteenth (14th) month following execution of this Stipulation of Settlement, Petitioner agrees to make a payment of \$177.06 in addition to the balance owed

for electric and gas service in that month. Petitioner is not foreclosed from paying off the \$1,477.06 settlement amount due prior to the fourteen (14) month deferred payment period allotted.

7. If Petitioner fails to keep the agreement as set forth in the deferred payment arrangement established in paragraphs 5 and 6 above and/or fails to make payments associated with current electric and gas service, Petitioner understands that PSE&G may exercise its authority in accordance with its tariffs and the provisions of N.J.A.C. 14:3-3A.1 et seq. to discontinue service.

8. In addition to payments under the deferred payment arrangement established in paragraphs 5 and 6 above, Petitioner agrees and understands that she must make timely payment of PSE&G monthly utility bills for utility service so long as she remains a PSE&G customer.

9. This agreement is in full settlement of the Petition filed by Petitioner on or about December 15, 2009.

10. The undersigned agree that this Settlement 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 Settlement 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 Settlement to be null and void, and the parties shall be placed in the same position that they were in immediately prior to its execution.

PSEG SERVICES CORPORATION
Attorneys for PSE&G

DATED: 8/5/10

By: Alexander C. Stern
Alexander C. Stern, Esq.
Assistant General Regulatory Counsel

PUBLIC SERVICE ELECTRIC & GAS CO.

DATED: 8/5/10

By: Edward B. Sullivan
Edward B. Sullivan
Manager of Customer Operations

PETITIONER

DATED:

By: Charmane L. Davis
Charmane L. Davis

COPY



COPY

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

Robert J. Giordano, ALJ &
Manager of Organizational Development

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BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

NORTH

Date AUG 12 2010

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

3601-10

Glickman Furst Co.

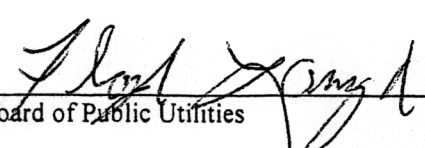
1794-10

CHARMANE L. DAVIS

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

Date:

8-16-10


Board of Public Utilities