

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

CUSTOMER ASSISTANCE

SPECIALIZED SHIPPING LLC,
Petitioner.

V

ELIZABETHTOWN GAS,
Respondent.

ORDER ADOPTING INITIAL DECISION SETTLEMENT

BPU Dkt. No. GC09010011U
OAL Dkt. No. PUC03373-10

Eric E. Muller, Managing Member, Specialized Shipping LLC, Newark, New Jersey,
Petitioner, appearing *pro se*

Mary Patricia Keefe, Esq., Berkeley Heights, New Jersey, on behalf of Respondent,
Elizabethtown Gas

BY THE BOARD:

On January 8, 2009, Specialized Shipping LLC (“Petitioner”) filed a petition with the Board of Public Utilities (“Board”) requesting a formal hearing related to a billing dispute with Elizabethtown Gas (“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 (Settlement) that was submitted to the ALJ. By Initial Decision issued on August 4, 2010, and submitted to the Board on August 6, 2010, to which the Settlement was attached and made part thereof, ALJ Moss 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.


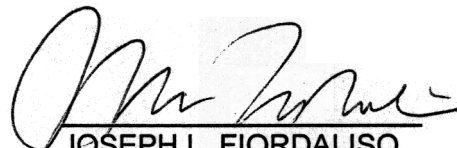
Pursuant to the terms of the Settlement, the parties agreed that Respondent would adjust the amount owed by Petitioner for the period of February 23, 2007, through August 20, 2007, to \$499.83, which Petitioner agreed to pay under a one-year deferred payment arrangement commencing forty-five (45) days after the issuance of the ALJ's Initial Decision or ten (10) days after a Board Order adopting the Initial Decision, whichever is earlier. The parties further agreed that the Settlement provides for a final resolution of this proceeding.

After review of the record and the 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 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

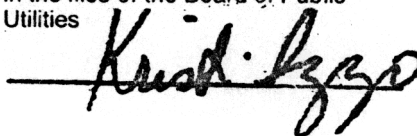
BOARD OF PUBLIC UTILITIES
BY:


LEE A. SOLOMON
PRESIDENT
JEANNE M. FOX
COMMISSIONER
JOSEPH L. FIORDALISO
COMMISSIONER
NICHOLAS ASSELTA
COMMISSIONER
ELIZABETH RANDA
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



SPECIALIZED SHIPPING LLC

V.

ELIZABETHTOWN GAS

BPU DOCKET NO. GC09010011U
OAL DOCKET NO. PUC03373-10

SERVICE LIST

Eric E. Muller, Managing Member
Specialized Shipping LLC
25 Adams Street
Metuchen, New Jersey 08840

Mary Patricia Keefe, Esq.
Elizabethtown Gas
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 07101

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BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

CMS

Blaslow

TRP

Kirschbaum

FOR WILLIAMS

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 03373-2010

AGENCY DKT. NO. GC09010011U

SPECIALIZED SHIPPING LLC,

Petitioner,

v.

ELIZABETHTOWN GAS COMPANY,

Respondent.

Mary Patricia Keefe, Vice President and Assistant Corporate Secretary
(Elizabethtown Gas Company)

Eric E. Muller, Managing Member (Specialized Shipping, LLC)

Record Closed: August 4, 2010

Decided: August 4, 2010

BEFORE **KIMBERLY A. MOSS**, ALJ:

On March 29, 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 scheduled for April 21, 2010 with ALJ Geraghty. Shortly thereafter the matter was reassigned to the undersigned. The matter was scheduled for an In Person Prehearing on June 11, 2010 at which time the parties the parties resolved this matter. A Settlement Agreement was prepared and executed 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.

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.

8/4/10

DATE

Date Received at Agency: 8-6-10

Date Mailed to Parties:

ljb


KIMBERLY A. MOSS, ALJ



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

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Specialized Shipping LLC	:	
	:	
v.	:	BPU Docket No. GC09010011U
	:	OAL Docket No. PUCC 03373 2010N
	:	
Elizabethtown Gas	:	
-----X		

STIPULATION OF SETTLEMENT

**TO: Honorable Kimberly Moss
Administrative Law Judge**

WHEREAS, on or about January 8, 2009, Specialized Shipping LLC ("Specialized Shipping") filed the above-referenced Petition wherein it disputed a \$5,042.09 charge for the period February 23, 2007 through August 20, 2007 from Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas ("Elizabethtown" or "Company") for natural gas service provided to the account located at 25 Adams Street, Metuchen, New Jersey and unit #C at the same premises;

WHEREAS, 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;

WHEREAS, the Company filed an Answer to Specialized Shipping's Petition;

WHEREAS, while this matter was pending at the OAL, 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 amount owed by Specialized Shipping for the period February 23, 2007 through August 20, 2007 to \$499.83.

2. To satisfy its obligations under paragraph 1, Specialized Shipping can pay to Elizabethtown the \$499.83 under a one year deferred payment arrangement commencing forty-five (45) days after an Administrative Law Judge Initial Decision approving this

Stipulation, or 10 days after a Board Order approving such Initial Decision, whichever is earlier.

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

4. 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

SPECIALIZED SHIPPING LLC

By: _____
Eric E. Muller.
Managing Member
Specialized Shipping LLC

Dated: July **25** 2010

Stipulation, or 10 days after a Board Order approving such Initial Decision, whichever is earlier.

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

4. 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
Mary Patricia Keefe
Vice President and Assistant
Corporate Secretary

Dated: July 27, 2010

SPECIALIZED SHIPPING LLC

By: _____
Eric E. Muller.
Managing Member
Specialized Shipping LLC

Dated: July __, 2010

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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MAIL ROOM
10 AUG -6 AM 11:10
BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

NORTH

Date AUG 5 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

3373-10

Case Name

Specialized
Shipping LLC

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

Date: 8-6-10

Floyd Xanthopoulos
Board of Public Utilities