



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
Two Gateway Center, Suite 801  
Newark, NJ 07102  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

CUSTOMER ASSISTANCE

RICHARD AND SHANNON PAYNE,	)	ORDER ADOPTING INITIAL
Petitioners,	)	DECISION SETTLEMENT
	)	
V.	)	
	)	
ELIZABETHTOWN GAS COMPANY,	)	
Respondent.	)	BPU Dkt. No. GC09040295U
	)	OAL Dkt. No. PUC08509-10

Richard and Shannon Payne, Iselin, New Jersey, appearing *pro se*

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

BY THE BOARD:

On April 6, 2009, Richard and Shannon Payne ("Petitioners") filed a petition with the New Jersey 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.

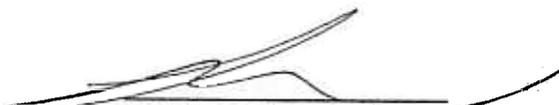
While this matter was pending at the OAL, the parties engaged in negotiations and executed a Stipulation of Settlement ("Stipulation") that was submitted to the ALJ. By Initial Decision issued on December 6, 2010, and submitted to the Board on December 8, 2010, to which the Stipulation was attached and 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, and in the interest of resolving this matter fully without the need for future litigation, the parties have agreed that Respondent will adjust Petitioners' outstanding balance downward to an adjusted outstanding balance of \$1,550.00, which can be paid by Petitioners under a two-year deferred payment agreement.

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: 1/19/11

BOARD OF PUBLIC UTILITIES  
BY:

  
LEE A. SOLOMON  
PRESIDENT

  
JEANNE M. FOX  
COMMISSIONER

  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
NICHOLAS ASSELTA  
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

  
\_\_\_\_\_

RICHARD AND SHANNON PAYNE

V.

ELIZABETHTOWN GAS COMPANY

BPU DOCKET NO. GC09040295U

OAL DOCKET NO. PUC08509-10

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Cust. Ass't  
And



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

RECEIVED  
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BOARD OF PUBLIC UTILITIES  
NEWARK, N.J.

**INITIAL DECISION**

**SETTLEMENT**

OAL DKT. NO. PUC 08509-10

AGENCY DKT. NO. GC09040295U

**RICHARD AND SHANNON PAYNE,**

Petitioner,

v.

**ELIZABETHTOWN GAS,**

Respondent.

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Richard and Shannon Payne, petitioners, pro se

Deborah Franco, Esq. and Mary Patricia Keefe, Vice President and Assistant  
Corporate Secretary on behalf of respondent (Elizabethtown Gas)

Record Closed: December 3, 2010

Decided: December 6, 2010

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

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On August 13, 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 October 7, 2010 at which time the parties discussed settlement. A hearing was scheduled for November 22, 2010. Prior to the hearing date the parties advised that the matter was settled. On December 3, 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.

12/6/10

DATE



KIMBERLY A. MOSS, ALJ

Date Received at Agency:

\_\_\_\_\_

Date Mailed to Parties:

\_\_\_\_\_

ljb



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: \_\_\_\_\_  
M. Patricia Keefe  
Vice President and Assistant  
Corporate Secretary  
Dated: November \_\_, 2010

By:   
Richard Payne  
Dated: November 23, 2010

By:   
Shannon Payne  
Dated: November 23, 2010

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: M. Patricia Keefe  
M. Patricia Keefe  
Vice President and Assistant  
Corporate Secretary  
Dated: November 30, 2010

By: Richard Payne  
Richard Payne  
Dated: November 23, 2010

By: Shannon Payne  
Shannon Payne  
Dated: November 23, 2010

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