



**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

ROBERT GOETTING,	)	ORDER ADOPTING INITIAL
Petitioner	)	DECISION SETTLEMENT
	)	
V	)	
	)	
ELIZABETHTOWN GAS,	)	
Respondent	)	BPU Dkt. No. GC10040265U
	)	OAL Dkt. No. PUC06232-10

Robert Goetting, Hackettstown, 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 14, 2010, Robert Goetting (“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 (“Stipulation”) that was submitted to the ALJ. By Initial Decision issued on November 29, 2010, and submitted to the Board on December 2, 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, Respondent has agreed to adjust Petitioner’s outstanding balance downward to an adjusted outstanding balance of

\$451.61. In return, Petitioner has agreed to pay the adjusted outstanding balance within forty-five (45) days of the Initial Decision approving the Stipulation or within ten (10) days of a Board Order approving the Initial Decision, whichever is earlier.

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: 2/16/11

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  


ROBERT GOETTING

V.

ELIZABETHTOWN GAS

BPU DOCKET NO. GC10040265U

OAL DOCKET NO. PUC06232-10

SERVICE LIST

Robert Goetting  
423 Hurley Drive  
Hackettstown, New Jersey 07840

Deborah M. Franco, Esq.  
Cullen & Dykman  
Garden City Center  
100 Quentin Roosevelt Boulevard  
Garden City, New York 11530-4850

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

CMS  
Beslow  
DAR (2)  
RPA  
J. Ford-Williams  
Cust. Asst.



State of New Jersey  
OFFICE OF ADMINISTRATIVE LAW

RECEIVED  
MAIL ROOM  
10 DEC -2, AM 11: 23  
BOARD OF PUBLIC UTILITIES  
TRENTON, N.J.

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 06232-10

AGENCY DKT. NO. GC10040265U

ROBERT GOETTING,

Petitioner,

v.

ELIZABETHTOWN GAS,

Respondent.

---

**Robert Goetting, petitioner, pro se**

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

Record Closed: November 29, 2010

Decided: November 29, 2010

BEFORE KIMBERLY A. MOSS, ALJ:

On June 14, 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 August 17, 2010 at which time the parties discussed settlement. A hearing was scheduled for October 7, 2010. Prior to the hearing date the parties advised that the matter was settled. On November 29, 2010 the parties submitted the fully executed Stipulation of Settlement indicating the terms of

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.

11/29/10

DATE



KIMBERLY A. MOSS, ALJ

Date Received at Agency:

12-2-2010

Date Mailed to Parties:

ljb

STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES

<u>Robert and Denise Goetting</u>	x	
	x	
v.	x	BPU Docket No. GC10040265U
	x	OAL Docket No. PUC 06232-10
	x	
<u> Elizabethtown Gas</u>	x	
	x	

STIPULATION OF SETTLEMENT

To the Honorable Board of Public Utilities:

**WHEREAS**, on March 30, 2010, Robert and Denise Goetting ("Petitioner") filed a petition ("Petition") to dispute a \$903.22 charge (the "Outstanding Balance") for natural gas service provided by Pivotal Utility Holdings, Ind. d/b/a Elizabethtown Gas ("Elizabethtown") for the period February 2005 through June 2008 ("2005-2008 Period");

**WHEREAS**, Elizabethtown's records indicated that the Outstanding Balance reflects an amount owed for natural gas consumed by Petitioner, but not previously billed to Petitioner by Elizabethtown;

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

**WHEREAS**, in the interests of resolving this matter without further delay, effort and cost, the parties hereto agree to settle this matter;

**IT IS THEREFORE AGREED AS FOLLOWS:**

Without agreeing with the merits of the allegations expressed in the Petition and in the interest of good customer relations and in recognition of the individual circumstances of this case, Elizabethtown agrees to adjust the Outstanding Balance downward to \$451.61 ("Adjusted Outstanding Balance").

2. This Stipulation provides for a resolution of charges related to the 2005-2008 Period.

- 3. To satisfy Petitioner's obligation under paragraph 1 to pay the Adjusted Outstanding Balance, within forty-five (45) days of an Administrative Law Judge Initial Decision approving this Stipulation, or within 10 days of a Board Order approving such Initial Decision, whichever is earlier, Petitioner will send payment to Elizabethtown in the amount of \$451.66.
- 4. This Stipulation provides for a final resolution of this proceeding.
- 5. 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: ~~October 18~~, 2010  
*Nov.*

By: \_\_\_\_\_  
 Robert Goetting  
 Date: October \_\_, 2010

By: \_\_\_\_\_  
 Denisc Goetting  
 Date: October \_\_, 2010

- 3. To satisfy Petitioner's obligation under paragraph 1 to pay the Adjusted Outstanding Balance, within forty-five (45) days of an Administrative Law Judge Initial Decision approving this Stipulation, or within 10 days of a Board Order approving such Initial Decision, whichever is earlier, Petitioner will send payment to Elizabethtown in the amount of \$451.61.
- 4. This Stipulation provides for a final resolution of this proceeding.
- 5. 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: October \_\_, 2010

By: Robert F. Goetting  
 Robert Goetting  
 Date: October \_\_, 2010  
 November 15, 2010

By: Denise Goetting  
 Denise Goetting  
 Date: October \_\_, 2010  
 November 15, 2010