



Agenda Date: 3/9/11
Agenda Item: 7A

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

CUSTOMER ASSISTANCE

LORA SOSEMAN, Petitioner)	ORDER MODIFYING INITIAL DECISION
V.)	
JERSEY CENTRAL POWER & LIGHT COMPANY, Respondent.)	BPU Dkt. No.: EC09120961U
)	OAL Dkt. No.: PUC 1439-10

Lora Soseman, Hopatcong, New Jersey, appearing *pro se*

Michael J. Connolly, Esq., Morristown, New Jersey, on behalf of Respondent, Jersey Central Power & Light Company

BY THE BOARD:

By Petition filed with the Board of Public Utilities ("Board") on November 27, 2009, Lora Soseman ("Petitioner") disputed billing charges associated with electric service provided by Jersey Central Power & Light ("JCP&L" or "Respondent") to 30 Lincoln Trail, Hopatcong, New Jersey. Petitioner complained that the Basic Generating Services ("BGS") rates used by Respondent were excessive and above those approved by the Board. After receipt of the Respondent's Answer, the Board transmitted this matter to the Office of Administrative Law ("OAL") for hearing as a contested matter pursuant to N.J.S.A 52:14B-1 to 15 and N.J.S.A 52:14F-1 to 13. This case was assigned to Administrative Law Judge ("ALJ") Mumtaz Bari-Brown. On December 16, 2010, ALJ Bari-Brown issued an Initial Decision ("ID"). The Board now modifies the Initial Decision.

BACKGROUND

Pleadings

The Petition set forth two claims. First, Petitioner alleged that the BGS rate charged by JCP&L from January 3 to November 10, 2009 exceeded the Board approved rate. According to Petitioner, the approved rates ranged from 10.351% to 11.409%; however, Respondent charged BGS rates of .113488 to .134005. Petition at 1. Second, Petitioner claimed that she paid twice for the period from January 6 to April 6, 2009, during which period JCP&L issued two

estimated bills. Ibid. In support of her claims, Petitioner annexed 1) a November 18, 2009 Shut-Off Notice, showing a balance of \$3,705.04; 2) an August 25, 2009 electric meter test result; and 3) ten JCP&L bills, covering service from February 3 to November 3, 2009.

Respondent answered that its charges are accurate and in accordance with Board approved tariffs. JCP&L stated that Petitioner's argument demonstrated a fundamental misunderstanding of rate calculations because Petitioner's reference to approved 10.352% and 11.409% rates are misconstrued references to \$0.10351/kWh and \$0.11409/kWh, which reflect the BGS auction price approved by the Board for 2008 and 2009, respectively. JCP&L explained how the BGS charge is calculated (Answer at 3-7) and annexed copies of its filed tariff pages showing the BGS rates for residential service, effective June 1, 2008 and June 1, 2009. Answer, Attachments 4 and 5.

Answering Petitioner's claim of inaccurate or double billing, Respondent attached two meter test results (Answer, Attachment 2) as well as a detailed statement of account showing Petitioner's usage, billing amounts, payments, and balance for the period January 30, 2008 to December 10, 2009. Answer, Attachment 1. The statement showed that as of December 10, 2009, Petitioner's balance was \$4,338.35 and her last payment of \$1,863.19 was made on April 14, 2009.

OAL

On January 19, 2010, the Board transmitted the matter to the OAL. On August 27, 2010, Respondent requested that ALJ Bari-Brown schedule a telephone pre-hearing conference. Discovery Motion, Attachment 4.¹ On October 5, 2010, the ALJ's office contacted the parties and scheduled a telephone conference for October 6, 2010. Petitioner did not participate in the telephone conference. Discovery Motion Letter Brief at 3.

On October 7, 2010, Respondent moved to compel discovery. Respondent indicated that it had served Petitioner with discovery requests but that Petitioner had not responded to the requests. JCP&L further noted that Petitioner had not objected nor contacted Respondent regarding the requests. Discovery Motion Letter Brief at 2. Therefore, Respondent requested that the ALJ enter an order compelling Petitioner to respond to discovery and setting a date for a hearing on sanctions if Petitioner failed to timely respond to the discovery requests. Id. at 6.

Also on October 7, 2010, JCP&L moved for an order directing Petitioner to place past-due and on-going payments into escrow pending resolution of the matter. Escrow Motion at 1. Respondent argued that N.J.A.C. 14:3-7.6(a) requires that a customer that disputes a charge shall pay all undisputed charges. Moreover, JCP&L stated that the Board, pursuant to N.J.A.C. 14:3-7.6(f), and the ALJ, pursuant to N.J.A.C. 1:1-14.6, may require that a customer place all of the disputed charges in escrow pending resolution of the dispute. Escrow Motion at 5. Respondent submitted a certification stating that Petitioner's last payment on the account was made on April 14, 2009 and that Petitioner had an outstanding balance of \$8,351.47 for electric service rendered through September 29, 2010. Escrow Motion at 3, Attachment 3, &8. Respondent asserted that the order was necessary to protect Respondent's interest. Escrow Motion at 7.

¹ Discovery Motion refers to the Motion to Compel Discovery filed by JCP&L on October 7, 2010.

On October 29, 2010, JCP&L advised ALJ Bari-Brown that Petitioner had not responded to its motions, although the motions had been served on October 8, and October 12, 2010 by Federal Express and Certified Mail, respectively. Summary Decision Motion, Attachment 4.² Accordingly, JCP&L requested that the court grant its motions. Ibid.

On November 10, 2010, ALJ Bari-Brown sent a letter to Petitioner, scheduling a telephone conference for November 16, 2010, and requesting that Petitioner contact the OAL with an appropriate telephone number. Summary Decision Motion, Attachment 5. Petitioner did not participate in the November 16, 2010 telephone conference. Petitioner could also not be reached by telephone on either of the scheduled pre-hearing conferences. Summary Decision Motion at 4.

On November 26, 2010, Respondent moved for summary decision, stating that no genuine issues of material facts existed and that it was entitled to prevail as a matter of law. Summary Decision Motion at 5. The record showed that two separate meter test results had verified the accuracy of the meters serving Petitioner's home. Summary Decision Motion at 6. JCP&L's certification revealed that Petitioner owed \$8,588.22 in past due electric bills through October 28, 2010 and that Petitioner had not paid twice for service rendered from January through April 2009. Summary Decision Motion, Attachment 6. Therefore, JCP&L argued that Petitioner's dispute was a legal dispute regarding the interpretation of JCP&L's tariff and of Board's orders entered in connection with BGS auctions. Respondent stated that its tariffs set forth the basis upon which it issued estimated bills and calculated BGS charges. Summary Decision Motion at 6-7. Relying on case law,³ Respondent argued that tariffs are binding on the utility and its customers. Id. at 7.

In addition, or as alternative relief, Respondent requested that the ALJ dismiss the Petition because the Petitioner had failed to cooperate in discovery, respond to outstanding motions, attend pre-hearing conferences or otherwise seek re-scheduling of the conferences. Summary Decision Motion at 5. Specifically, Respondent noted that Petitioner had not answered discovery, participated in scheduled pre-hearing conferences, and replied to two motions filed by JCP&L. Respondent claimed that Petitioner's lack of cooperation in the OAL proceeding and failure to pay anything on her account since April 14, 2009 warranted a dismissal of the Petition. Summary Decision Motion at 8-10.

On December 1, 2010, Respondent filed an Amended Certificate of Service, correcting the date that Respondent had sent the Summary Decision Motion via Certified Mail, Return Receipt Requested, to Petitioner, from November 26, to November 29, 2010. On December 13, 2010, JCP&L advised ALJ Bari-Brown that Petitioner had not responded to its motions, although the motions had been served on November 26, and November 30, 2010 by Federal Express and Certified Mail, Return Receipt Requested, respectively. Accordingly, JCP&L requested that the court grant its motion. See, Respondent's Letter, dated December 13, 2010.

² Summary Decision Motion refers to the motion filed by JCP&L on November 26, 2010.

³ In re Application of Saddle River, 71 N.J. 14, 20 (1975); Essex County Welfare Bd. v. New Jersey Bell Tel. Co., 126 N.J. Super. 417, 421-422 (App. Div. 1974); and New Jersey Bell Tel. Co. v. Town of West Orange, 188 N.J. Super. 455, 459 (App. Div. 1982).

Initial Decision

On December 16, 2010, ALJ Bari-Brown found, among other things, that (1) JCP&L had served Petitioner with discovery requests but that Petitioner had neither objected nor provided responses to the discovery requests; (2) Petitioner failed to participate in two pre-hearing conferences on October 6 and November 16, 2010; (3) Petitioner failed to appear and could not be reached by telephone on October 6 and November 16, 2010; (4) Respondent had moved to compel discovery, to place funds in escrow, for summary decision, and for a dismissal of the Petition for failure to cooperate and follow the directives of the OAL; (5) since April 14, 2009, Petitioner has made one payment on the account in the amount of \$1,863.18; and (6) as of October 15, 2010, Petitioner's account had an outstanding balance of approximately \$8,351.47. ID at 3. After carefully reviewing the pleadings and exhibits, ALJ Bari-Brown concluded that no genuine issues of fact existed; Petitioner failed to participate in two telephone pre-hearing conferences scheduled by OAL without good cause; Petitioner failed to respond to Respondent's motions for discovery and escrow payments without good cause; and Petitioner deliberately failed to cooperate with the directives of the ALJ. Accordingly, ALJ Bari-Brown granted Respondent's Motion for Summary Decision. ALJ Bari-Brown further ordered that JCP&L submit to the BPU an updated account of monies owed by the Petitioner through the date of the final decision by the Board and that that amount shall be paid to JCP&L by Petitioner. Finally, ALJ Bari-Brown ordered that the Petition be dismissed with prejudice.

On December 22, 2010, Judge Bari-Brown submitted the Initial Decision in this matter to the Board. Pursuant to N.J.S.A. 52:14B-10(c) and N.J.A.C. 1:1-18.8, the Board requested and was granted a 45-day extension until March 24, 2010 in order to issue a final decision. Petitioner did not file exceptions with the Board.

DISCUSSION

After review and consideration of the entire record, the Board HEREBY MODIFIES the Initial Decision.

The Board HEREBY FINDS that ALJ Bari-Brown's conclusion that Petitioner failed to respond to Respondent's discovery requests was proper and supported by the record. Pursuant to N.J.A.C. 1:1-10.4(c), Petitioner had fifteen (15) days from the receipt of the discovery requests to respond. In the alternative, Petitioner had ten (10) days from the receipt of the discovery requests to place a telephone call to the court to note objections to the discovery requests. N.J.A.C. 1:1-10.4 (d). Here, Respondent served discovery requests on August 27, 2010. Petitioner did not object to or answer the discovery requests and did not communicate with either the Respondent or its counsel. Accordingly, the Board HEREBY ADOPTS the conclusion that Petitioner failed to object or respond to the discovery requests without good cause.

The Board HEREBY FINDS that ALJ Bari-Brown's conclusions that Petitioner failed to participate in two telephone pre-hearing conferences scheduled by the OAL without good cause and failed to cooperate with the directives of the ALJ were appropriate. Pursuant to N.J.A.C. 1:1-9.1, on two separate occasions, ALJ Bari-Brown notified Petitioner regarding upcoming telephone conferences. Petitioner did not join the pre-scheduled conference calls on October 6 and November 16, 2010. Attempts to reach Petitioner on those days were also not successful. At no time, did Petitioner explain her absence or request an adjournment of the telephone conferences. Petitioner's lack of responsiveness demonstrates her failure to cooperate with and follow the directives of ALJ. Thus, the Board HEREBY ADOPTS the conclusions that

Petitioner failed to participate in two pre-scheduled telephone conferences and failed to cooperate with the directives of the ALJ without good cause.

The Board HEREBY FINDS that ALJ Bari-Brown's conclusion that Petitioner failed to respond to Respondent's motions for discovery and escrow payments without good cause was proper. Although Petitioner had been served with the motions on October 8 and October 12, 2010 by Federal Express and Certified Mail, respectively, she failed to file responsive papers within ten (10) days of receipt as provided by N.J.A.C. 1:1-12.4(b). Petitioner also failed to participate in the November 16, 2010 telephone conference, which was scheduled after Respondent had filed its proof of service. Petitioner's lack of participation and adherence to the requirements of the OAL rules are amply supported by the record. Hence, the Board HEREBY ADOPTS the conclusion that Petitioner failed to respond to Respondent's motions for discovery and escrow payments without good cause.

The Board HEREBY FINDS that the ALJ's grant of summary decision was proper. Pursuant to N.J.A.C. 1:1-12.5(b), a motion for summary decision may be rendered if the papers and discovery which have been filed, together with any affidavits, show that there is no genuine issue as to any material fact challenged and that the movant is entitled to prevail as a matter of law. Within twenty (20) days of service, the opposing party, in order to prevail, must submit responding affidavits setting forth specific material facts in dispute, which can only be determined in an evidentiary proceeding. Ibid. Failure to comply with this requirement may entitle the moving party to summary judgment. See, Brill v. Guardian Life Ins. Co., 142 N.J. 520 (1995).

Here, Petitioner did not avail herself of the various opportunities to support her claims and refute Respondent's interpretation of its tariff and accounting of credits posted to Petitioner's account. Petitioner not only failed to respond to discovery but also failed to oppose any of Respondent's motions, including the Summary Decision Motion. Moreover, the Petition and its attachments do not disclose a factual dispute but rather a legal dispute regarding the interpretation of tariff pages. In fact, two of Petitioner's attachments support the conclusion that the meter servicing her account was accurate and that Petitioner did not pay twice. See, Petition, Attachments 2 and 3. Furthermore, Respondent's unrefuted certification established that Petitioner had an outstanding balance of \$8,588.22 as of October 28, 2010 and that the last payment on the account was made in April 2009. Summary Decision Motion, Attachment 6. Therefore, the ALJ's conclusion that no genuine issues of fact existed is correct and is HEREBY ADOPTED by the Board.

In addition, when the Petition, even when viewed in the light most favorable to Petitioner, is contrasted with the extensive exhibits attached to the Answer and to the Summary Decision Motion, Respondent prevails as a matter of law. Respondent's calculations and charges were fully explained and supported. As noted by JCP&L, Petitioner is bound by the rates, terms and charges contained in JCP&L tariff. Saddle River, supra, 71 N.J. at 29. As a result, ALJ Bari-Brown's decision granting Summary Decision in Respondent's favor and dismissing the Petitioner with prejudice was proper and is HEREBY ADOPTED by the Board.

The Board HEREBY MODIFIES the ALJ's directive that JCP&L submit to the BPU an updated account of monies owed by the Petitioner through the date of the final decision by the Board and that that amount shall be paid to JCP&L by Petitioner. N.J.A.C. 1:1-18.1 provides that the judge shall issue an initial decision which shall be based exclusively on testimony, documents and arguments accepted by the judge for consideration in rendering a decision. In its Motion

**BPU DOCKET NO. EC09120961U
OAL DOCKET NO. PUC 1439-10**

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BOARD OF PUBLIC UTILITIES
NEWARK, NEW JERSEY

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. PUC 1439-10

AGENCY DKT. NO. EC0912096 / 4

LORA SOSEMAN,

Petitioner,

v.

JERSEY CENTRAL POWER & LIGHT

COMPANY,

Respondent.

Lora Soseman, pro se

Michael J. Connolly, Esq., for respondent (Morgan, Lewis & Bockius, LLP,
attorneys)

Record Closed: December 16, 2010

Decided: December 16, 2010

BEFORE MUMTAZ BARI-BROWN, ALJ:

STATEMENT OF THE CASE and PROCEDURAL HISTORY

Petitioner Lora Soseman (petitioner) filed a complaint before the Board of Public Utilities (Board) disputing the billing charges of Jersey Central Power & Light (JCP&L) for electric service provided to [REDACTED] Lincoln Trail, Hopatcong, New Jersey.

On February 2, 2010, the Board transmitted the matter to the Office of Administrative Law (OAL) pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to 13 as a contested case. Thereafter Respondent moved to place the disputed funds into an escrow account and for an order compelling discovery. Petitioner has neither objected nor answered respondent's discovery requests. On November 10, 2010, Respondent moved for Summary Decision in the form of an Initial Decision under N.J.A.C 1:1-12 and an Initial Decision for summarily dismissing the complaint for failure to cooperate and follow the directives of the OAL.

FINDINGS OF FACT

1. On November 27, 2009, Petitioner filed a petition before the BPU.
2. On January 11, 2010, JCP&L filed a verified answer
3. On January 19, 2010, BPU transmitted the OAL.
4. On August 27, 2010, JCP&L served petitioner with general interrogatories and discovery requests. To date, petitioner has neither objected to the discovery requests nor provided answers.
5. A pre-hearing telephone conference was scheduled for October 6, 2010. Petitioner failed to participate and the telephone conference was rescheduled for November 16, 2010.
6. On October 6, 2010 and November 16, 2010, petitioner failed to appear and could not be reached by telephone.
7. On October 7, 2010, respondent moved to compel discovery and direct petitioner to place past-due and on-going electric bill payments into an escrow account.
8. Petitioner currently resides at [REDACTED] Lincoln Tr., Hopatcong, New Jersey 07843.
9. Petitioner currently has a JCP&L electric service account for the premises.
10. Since April 14, 2009, Petitioner has made one payment on the account in the amount of \$1,863.18.
11. As of October 15, 2010, petitioner's JCP&L account has an outstanding past-due balance of approximately \$8,351.47

DICUSSION

Petitioner's complaint challenges the Basic Generating Service (BGS) rates used by JCP&L as excessive and above those approved by the Board of Public Utilities. Petitioner further claims, "As far back as 01/03/2009 to the current date of 11/10/2009 JCP&L has had a BGS rates ranging from .134005 to .113488." (Petition dated November 27, 2009). According to petitioner, the approved rates were 11.409% up to June 1, 2009, and lowered to 10.351% on February 6, 2009, with an effective date of June 1, 2009. As such, petitioner argues that all of her bills after June 1, 2009, were above the approved 10.351% and "almost all of the bills before June 1, 2009, [were] over [11.409%]". Ibid. Petitioner further contends that she was double billed by JCP&L and thus, paid twice for the months of February, March and April 2009.

Respondent contends that petitioner's arguments demonstrate a fundamental misunderstanding of rate calculations. Indeed, the rates in dispute were approved by the Board. Respondent notes that petitioner's reference to the approved 10.351% and 11.409% rates are misconstrued references to \$0.10351/kWh and \$0.11409/kWh, which reflect the BGS auction price approved by the Board for the 2008 and 2009, respectively. (Respondent's Answer dated January 11, 2010).

With regard to the billing dispute, JCP&L denies double billing petitioner for the months of February, March and April 2009. Respondent further contends that irrespective of billing, petitioner did not "pay" twice. In fact, petitioner has not paid for her electric service since April 14, 2009. Moreover, petitioner's payment of \$1,863.19 was for past-due payments through December 31, 2008 and "was only paid under a then pending notice of termination with respect to amounts unpaid since the last prior payment on November 19, 2008 for service through October 31, 2008." (Respondent's Answer dated January 11, 2010.).

Pursuant to N.J.A.C. 1:1-10.4, "[n]o later than 15 days from receipt of a notice requesting discovery, the receiving party shall provide the requested information, material or access or offer a schedule for reasonable compliance with the notice. . ." N.J.A.C. 1:1-10.4(c). Furthermore, a party who wishes to object to a discovery request

or to compel discovery "shall, prior to the filing of any motion regarding discovery, place a telephone conference call to the judge and to all the other parties no later than 10 days of receipt of the discovery request or the response to a discovery request." N.J.A.C. 1:1-10.4(d). Finally, "[b]y motion of a party or on his or her own motion, the judge may impose sanctions pursuant to N.J.A.C. 1:1-14.14 and 14.15 for failure to comply" with an order to compel discovery. N.J.A.C. 1:1-10.5. If an answering party unreasonably fails to comply with discovery requests, the judge Honor may "[d]ismiss or grant the motion or application", "[s]uppress a defense or claim", "[e]xclude evidence", "[o]rder costs or reasonable expenses, or "[t]ake other appropriate case-related action." N.J.A.C. 1:1-14.14.

Here, respondent served interrogatories and discovery requests on August 27, 2010. Accordingly, petitioner was required, within 15 days of receipt to "provide the requested information or offer a schedule for reasonable compliance with the notice." N.J.A.C. 1:1-10.4 (c). In the alternative, petitioner was afforded 10 days from the receipt of said discovery request to place a telephone conference call to the court and voice objections to some or all the discovery requests. N.J.A.C. 1:1-10.4 (d). To date, petitioner has done neither and has not communicated with respondent or its counsel.

The rules governing motions for summary decision before OAL are embodied in N.J.A.C. 1:1-12.5 and mirror the language of R. 4:46-2 of the Rules Governing the Courts of New Jersey. See also Brill v. Guardian Life Ins. Co., 142 N.J. 520, (1995). Under N.J.A.C. 1:1-12.5(b), the motion for summary decision ". . . may be rendered if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law." The opposing party must submit responding affidavits showing that there is a genuine issue of material fact, which can only be determined in an evidentiary proceeding, and that the moving party is not entitled to summary decision as a matter of law. Failure to do so, entitles the moving party to summary judgment. Brill, supra, 142 N.J. 520. Moreover, even if the non-moving party comes forward with some evidence, the Courts must grant summary judgment if the evidence is "so one-sided that [moving party] must prevail as a matter of law." Id. at 536. If the non-moving party's evidence is merely colorable, or is not

significantly probative, summary judgment should not be denied. See Bowles v. City of Camden, 993 F. Supp. 255, 261 (D.N.J. 1998). The New Jersey Supreme Court's standard for summary judgment is thus designed to "liberalize the standards so as to permit summary judgment in a larger number of cases" due to the perception that we live in "a time of great increase in litigation and one in which many meritless cases are filed. Brill, supra, 142 N.J. at 539 (1995).

I have carefully reviewed the parties' pleadings and attached exhibits. I FIND and CONCLUDE no genuine issues of fact exist. I agree with Respondent's argument that the only dispute raised in the pleadings is the legal interpretation of the Tariff and charges for BGS. Petitioner has failed to respond to discovery and has not participate in telephone conferences, which would have provided an opportunity to present her interpretation or refute respondent's interpretation of its Tariff, estimated bills and the BGS rates charged. As such, respondent is entitled to prevail as a matter of law.

Pursuant to N.J.A.C. 1:1-14.6, "[t]he judge may render any ruling or order necessary to decide any matter presented to him or her which is within the jurisdiction of the transmitting agency . . ." N.J.A.C. 1:1-14.6(h). As it pertains to electric bill disputes, "the Board may require the customer to place all or a portion of disputed charges in escrow pending resolution of the dispute." N.J.A.C. 14:3-7.6 (f). Accordingly, an administrative law judge (ALJ) may order a party to place funds in an escrow account. N.J.A.C. 1:1-14.6; N.J.A.C. 14:3-7.6; McNamara v. Jersey Cent. Power & Light Co., PUC 11141-02, Initial Decision, (June 11, 2004), <<http://lawlibrary.rutgers.edu/oal/search.html>> ("It is further ORDERED that any petitioner, purporting to act on behalf of [the premises]. . .must place all of the disputed charges in escrow.").

CONCLUSION

I CONCLUDE that Petitioner Lora Soseman has failed to participate in the telephone pre-hearing conferences scheduled by the OAL on October 6, 2010, and November 16, 2010 without good cause.

CONCLUDE that Petitioner failed to respond to respondent's Motions for Discovery and Escrow Payments without good cause

CONCLUDE that Petitioner Lora Soseman deliberately failed to cooperate with the directives of the administrative law judge.

ORDER

It is ORDERED that Respondent's Motion for Summary Decision is GRANTED.

It is further ORDERED that JCP&L submit to the BUP an updated account of monies owed by Petitioner through the date of the final decision by the Board; that amount shall be paid to JCP&L by Petitioner Lora Soseman.

It is further ORDERED that the Petition filed by Petitioner Lora Soseman be dismissed with Prejudice.

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 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.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **SECRETARY OF THE BOARD OF PUBLIC UTILITIES, 2 Gateway Center, Suite 801, Newark, NJ 07102**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

December 16, 2010
DATE

Date Received at Agency:

Date Mailed to Parties:
dr

DEC 20 2010

Mumtaz Bari Brown
MUMTAZ BARI-BROWN, ALJ

12-16-10

Gisela Pardess

DIRECTOR AND
CHIEF ADMINISTRATIVE LAW JUDGE