



Agenda Date: 4/27/11
Agenda Item: VIII E

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

CUSTOMER ASSISTANCE

EUGENE D. AND COLLEEN CALABRESE,)	ORDER ADOPTING INITIAL
Petitioners,)	DECISION SETTLEMENT
)	
v.)	
)	
ELIZABETHTOWN GAS,)	
Respondent.)	BPU Dkt. No. GC10060418U
)	OAL Dkt. No. PUC 10537-10

Eugene D. and Colleen Calabrese, Hackettstown, New Jersey, *pro se*

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

BY THE BOARD:

On June 22, 2010, Eugene D. and Colleen Calabrese (“Petitioners”) 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 March 29, 2011, and submitted to the Board on March 31, 2011, 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, in order to fully resolve this matter, Respondent agreed to credit the disputed balance of \$4,487.08 downward to \$0.00.

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 Settlement and the Stipulation of Settlement executed by the parties in their entirety as if fully set forth herein.

DATED: 4/27/11

BOARD OF PUBLIC UTILITIES
BY:



LEE A. SOLOMON
PRESIDENT



JEANNE M. FOX
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER



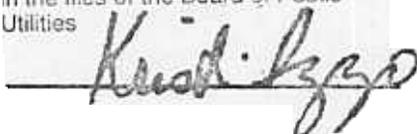
NICHOLAS ASSELTA
COMMISSIONER

ATTEST:



KRISTI IZZO
SECRETARY

HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities



EUGENE D. AND COLLEEN CALABRESE

V.

ELIZABETHTOWN GAS

BPU DOCKET NO. GC10060418U

OAL DOCKET NO. PUC10537-10

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State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

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BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 10537-10

AGENCY DKT. NO. GC10060418U

EUGENE D. AND COLLEEN CALABRESE,

Petitioner,

v.

ELIZABETHTOWN GAS,

Respondent.

Eugene and Colleen Calabrese, petitioners, pro se

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

Record Closed: March 29, 2011

Decided: March 29, 2011

BEFORE KIMBERLY A. MOSS, ALJ:

On September 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 conducted on November 23, 2010 at which time the evidentiary hearing was scheduled for February 1, 2011. The February 1, 2011 hearing was converted into an in person case management conference. A hearing was scheduled for March 7, 2011. Prior to the hearing the parties reached a settlement. On March 29, 2011 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

3/29/11

DATE



KIMBERLY A. MOSS, ALJ

Date Received at Agency:

Date Mailed to Parties

ljb

**STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES**

<hr/>	x	
Eugene and Colleen Calabrese	x	
	x	BPU Docket No. 100-60418U
v.	x	OAL Docket No. PUC 10537-2010N
	x	
Elizabethtown Gas	x	
<hr/>	x	

STIPULATION OF SETTLEMENT

To the Honorable Board of Public Utilities:

WHEREAS, Eugene and Colleen Calabrese ("Petitioner") filed a petition ("Petition") in the above-captioned proceeding to dispute a \$4,487.08 charge (the "Disputed Balance") for natural gas service provided by Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas ("Elizabethtown");

WHEREAS, Elizabethtown's records indicate that the Disputed 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:

1. 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 Disputed Balance downward to \$0.
2. This Stipulation provides for a final resolution of this proceeding.
3. 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: March , 2011

By: Eugene Calabrese
Eugene Calabrese

Date: March 17, 2011

By: Colleen Calabrese
Colleen Calabrese

Date: March 17, 2011

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

March 21, 2011

Eugene Calabrese
Eugene Calabrese

March 17, 2011

By: Colleen Calabrese
Colleen Calabrese

Date: March 17, 2011