



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CUSTOMER ASSISTANCE

FISCHEL ZIEGELHEIM,
Petitioner

v

NEW JERSEY AMERICAN WATER COMPANY,
Respondent

) ORDER ADOPTING INITIAL
) DECISION SETTLEMENT
)
)
)
)
) BPU Docket No. WC11020090U
) OAL Docket No. PUC3521-11

Parties of Record:

Fischel Ziegelheim, New Jersey American Water Company customer
Robert J. Brabston, Esq., Corporate Counsel and Assistant Secretary, New Jersey American Water Company

BY THE BOARD:

On February 17, 2011, Fischel Ziegelheim ("Petitioner") filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to a billing dispute with New Jersey American Water Company ("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") Patricia M. Kerins.

While this matter was pending at the OAL, the parties engaged in negotiations and entered into a signed letter agreement dated August 22, 2011 ("Stipulation") that was submitted to the ALJ. By Initial Decision issued on September 15, 2011, and submitted to the Board on September 21, 2011, to which the Stipulation was attached and made a part thereof, ALJ Kerins 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, Respondent has agreed to forgive the past due amount of \$5,500 to reduce the outstanding balance on the account from \$11,000 to \$5,500.00 to bring

the account to a current status. In return, Petitioner has agreed to pay the outstanding balance of \$5,500.00 according to a repayment plan term of 48 monthly payments of \$114.58 for an outstanding repayment total of \$5,499.84 plus the current amount due from bills. Respondent has also agreed to withdraw his petition in this matter.

After review of the record and the Stipulation 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 agreement, they have fully resolved all outstanding contested issues in this matter. This Order shall become effective upon service of the Order upon all parties of record unless a later date is indicated in the Order, pursuant to N.J.S.A. 48:2-40.

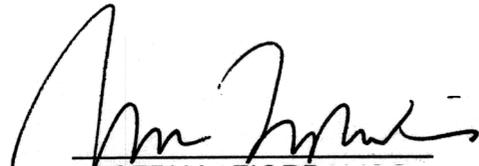
Accordingly, the Board HEREBY ORDERS that the Initial Decision and the Stipulation executed by the parties BE ADOPTED and APPROVED in its entirety, as if fully set forth herein.

DATED: 10/13/11

BOARD OF PUBLIC UTILITIES
BY:


LEE A. SOLOMON
PRESIDENT

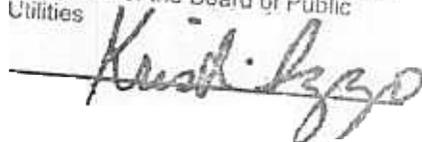

JEANNE M. FOX
COMMISSIONER


JOSEPH P. FOX
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


FISCHEL ZIEGELHEIM

V.

NEW JERSEY AMERICAN WATER COMPANY

BPU DOCKET NO. WC11020090U

OAL DOCKET NO. PUC3521-11

SERVICE LIST

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730 W. Kennedy Boulevard
Lakewood, New Jersey 08701-8043

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CMS
Bedow
DAG(2)
RPA
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BPU MAILROOM

SEP 21 2011

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State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 3521-11

AGENCY DKT. NO. N/A

WC 11020090 U

FISCHEL ZIEGELHEIM,

Petitioner,

v.

NEW JERSEY AMERICAN WATER

COMPANY,

Respondent.

Fischel Ziegelheim, petitioner, pro se

Robert J. Brabston, Esq., for respondent

Record Closed: September 7, 2011

Decided: September 15, 2011

BEFORE PATRICIA M. KERINS, ALJ:

This matter was transmitted to the Office of Administrative Law on April 1, 2011, for determination 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.

The parties have agreed to a settlement and have prepared a settlement agreement, the terms thereof, which is attached and fully incorporated herein.

have reviewed the record and the terms of settlement and **FIND:**

1. The parties have voluntarily agreed to the settlement as evidenced by their signatures or their representatives' signatures.
2. The settlement fully disposes of all issues in controversy and is consistent with the law.

I **CONCLUDE** that this agreement meets the requirements of N.J.A.C. 1:1-19.1 and that the settlement should be approved. I approve the settlement and therefore **ORDER** that the parties comply with the settlement terms and that these proceedings be concluded.

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.

September 15, 2011

DATE

Patricia M. Kerins
PATRICIA M. KERINS, ALJ

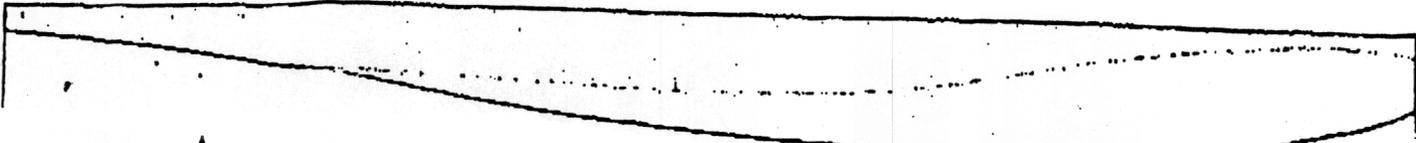
Date Received at Agency:

SEP 16 2011

Date Mailed to Parties:

SEP 16 2011

/lmz



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RECEIVED
OFFICE OF NEW JERSEY
OFFICE OF ADMIN LAW
SEP 7 P 2:32

September 7, 2011

Via Facsimile and Regular Mail

Hon. Patricia M. Kerins, ALJ
Office of Administrative Law
Quakerbridge Plaza - Bldg. 9
P.O. Box 049
Trenton, New Jersey 08625

Re: Ziegelheim v. NJ American Water Company
OAL Docket No. PUC 3521-11

Dear Judge Kerins:

As Your Honor may recall, New Jersey American Water Company has amicably resolved this matter with the petitioner, Mr. Ziegelheim. In addition to the note from the petitioner that was previously provided under cover letter dated August 14, attached is a copy of our June 6, 2011 letter to the Ziegelheim's outlining the terms of the settlement as signed and accepted by Mr. Ziegelheim on August 22, 2011.

If the attached acknowledgement of settlement is acceptable to Your Honor, we look forward to receipt of an Initial Decision accepting the settlement of this matter.

Respectfully submitted,

Robert J. Brabston

RJB:dlc
Attachment

cc: Mr. Fischel Ziegelheim (via regular mail, w/att.)



NEW JERSEY
AMERICAN WATER

Robert J. Brabston
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Robert.Brabston@amwater.com

June 8, 2011

Mr. & Mrs. Fischel Ziegelheim
730 West Kennedy Boulevard
Lakewood, NJ 08701-1245

Re: Ziegelheim v. New Jersey American Water Company
BPU Docket No. WC11020090U
OAL Docket No. PUC 3621-11

2011 SEP -1 P 2: 33
STATE OF NEW JERSEY
OFFICE OF ADMIN LAW
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Dear Mr. & Mrs. Ziegelheim:

This letter is intended to memorialize the agreement between New Jersey-American Water Company ("NJAWC" or the "Company") and you to settle the dispute regarding your account. As discussed and agreed to by Mrs. Ziegelheim and our Customer Advocacy group (Ms. Selina Kearney-Rogers), the Company will accept payment of \$5,500.00 and will remove the remaining portion of the past due balance as a goodwill courtesy adjustment. The total adjustment to your account will be approximately \$5,500.00 and your account will be marked current. As part of this agreement, the Company and you have established a repayment term of 48 months for the \$5,500.00 you have agreed to pay; this payment plan begins with the July, 2011 billing cycle. You should also be aware that this payment plan requires payments from you of approximately \$114.58 each month in addition to the current amount due from your regular bill. Please also note that, pursuant to the New Jersey Administrative Code, Chapter 14:3-7.7, you are obligated to make each payment when due; failure to do so may result in an interruption or discontinuance of your water service.

The other aspect of this agreement is that you have agreed to withdraw your complaint on file with the Board of Public Utilities, currently before the Office of Administrative Law. Please notify the court at your earliest opportunity that you acknowledge and accept this letter as containing all of the terms of our agreement.

Thank you for the opportunity to settle this matter in a timely and amicable manner.

Sincerely,

Robert J. Brabston

RJB:dlc

c: Hon. Patricia M. Kerins, ALJ

Accepted by 
Fischel Ziegelheim, Petitioner

Date: 8/22/2011

