



Agenda Date: 11/9/11  
Agenda Item: VIIA

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 S. Clinton Avenue – P.O. Box 350  
Trenton, NJ 08625  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

CUSTOMER ASSISTANCE

MOST WORSHIPFUL ORIENTAL GRAND LODGE  
AF&M, FULTON NEWARK, INC.,  
Petitioner

ORDER ADOPTING INITIAL  
DECISION SETTLEMENT

V.

BPU Docket No. GC11040249U  
OAL Docket No. PUC07738-11

PUBLIC SERVICE ELECTRIC AND GAS COMPANY,  
Respondent

Maury R. Winkler, Esq., on behalf of Petitioner, Most Worshipful Oriental Grand Lodge  
AF&M, Fulton Newark, Inc.

Alexander C. Stern, Esq., on behalf of Respondent, Public Service Electric and Gas  
Company

**BY THE BOARD:**

On April 29, 2011, Most Worshipful Oriental Grand Lodge AF&M, Fulton Newark, Inc. ("Petitioner") filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to a billing dispute with Public Service Electric and Gas 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") 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 October 5, 2011, and submitted to the Board on October 12, 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, and in order to fully resolve this matter, Respondent has agreed to credit \$30,224.16 to Respondent's account

for electric and gas service to bring the outstanding overdue balance owed on the account to \$38,000.00 as of October 5, 2011. In addition to making timely monthly utility payments to Respondent, Petitioner has further agreed to satisfy the outstanding overdue balance of \$38,000.00 by submitting supplemental monthly payments to the Respondent in the amount of \$9,500.00 per month for four months. The parties also agreed that should Petitioner fail to keep the agreement, the Respondent may exercise its authority in accordance with its tariff and the provisions of N.J.A.C. 14:3-3A.1 et seq.

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: 11/9/11

BOARD OF PUBLIC UTILITIES  
BY:



LEE A. SOLOMON  
PRESIDENT



JEANNE M. FOX  
COMMISSIONER



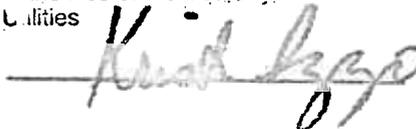
JOSEPH L. FIORDALISO  
COMMISSIONER



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



**MOST WORSHIPFUL ORIENTAL GRAND LODGE AF&M, FULTON NEWARK, INC.**

**V.**

**PUBLIC SERVICE ELECTRIC AND GAS COMPANY**

**BPU DOCKET NO. GC11040249U**

**OAL DOCKET NO. PUC07738-11**

**SERVICE LIST**

Maury R. Winkler, Esq.  
60 Park Place, Suite 1104  
Newark, New Jersey 07102

Alexander C. Stern, Esq.  
PSEG Services Corporation  
80 Park Plaza – T5G  
Newark, New Jersey 07102-4194

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Julie Ford-Williams  
Division of Customer Assistance  
Board of Public Utilities  
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CMS  
Beslow  
DAGC2  
RPA  
Lee-Thomas  
Sambert  
Ford-Williams



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

EPU MAILROOM

OCT 12 2011

RECEIVED

**INITIAL DECISION**

**SETTLEMENT**

OAL DKT. NO. PUC 07738-11

AGENCY DKT. NO. GC11040249U

**MOST WORSHIPFUL ORIENTAL GRAND LODGE**

**AF&F, FULTON NEWARK, INC,**

Petitioner,

v.

**PUBLIC SERVICE ELECTRIC AND GAS**

**COMPANY,**

Respondent.

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**Maury R. Winkler, Esq.** appearing on behalf of petitioner

**Alexander C. Stern, Esq.** on behalf of respondent (PSE&G Services Corporation)

Record Closed: October 5, 2011

Decided: October 5, 2011

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

On June 30, 2011, 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 scheduled and conducted on July 26, 2011. A hearing was scheduled for October 6, 2011. Prior to the hearing date the parties resolved all issues in dispute. The parties prepared and submitted a Stipulation of Settlement to the OAL on October 5, 2011, which is incorporated herein by reference.

have reviewed the record and terms of the Stipulation of Settlement and **FIND:**

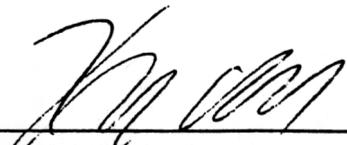
- 1 The parties have voluntarily agreed to the settlement as evidenced by the signatures of the parties or their representatives.
2. The settlement fully disposes of all issues in controversy and is consistent with law.

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.

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 (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.

10/5/11  
DATE

  
KIMBERLY A. MOSS, ALJ

Date Received at Agency:

\_\_\_\_\_

Date Mailed to Parties:

\_\_\_\_\_

ljb

**STATE OF NEW JERSEY  
OFFICE OF ADMINISTRATIVE LAW**

Most Worshipful Oriental Grand Lodge	)	
AF&M Fulton Newark, Inc.	)	BPU DOCKET NO. GC11040249U
	)	
Petitioner,	)	OAL DOCKET NO. 07738-2011N
	)	
v.	)	
	)	<b>STIPULATION OF SETTLEMENT</b>
Public Service Electric & Gas Company	)	
	)	
Respondent.	)	

On or about May 11, 2011 Petitioner filed the above-referenced billing dispute. Public Service Electric & Gas Company ("PSE&G" or "Respondent") filed an answer to Petitioner's petition and the New Jersey Board of Public Utilities ("NJBP" or "Board") transmitted the matter to the Office of Administrative Law ("OAL") as a contested case for adjudication.

In the interests of resolving this matter without further delay, extensive effort and cost, the parties hereto agreed to settle this matter in accordance with the following terms:

1. PSE&G agrees to credit \$30,224.16 to Petitioner's account for electric and gas service to bring the outstanding overdue balance owed on the account to \$38,000.00 as of October 5, 2011.

2. Petitioner agrees that in addition to timely paying monthly PSE&G utility bills, commencing with Petitioner's November 2011 PSE&G utility bill, to satisfy the \$38,000.00 outstanding overdue balance due, it shall commence submitting supplemental monthly payments to PSE&G of \$9,500.00 per month for four (4) months.

3. If Petitioner fails to keep the agreement as set forth in the arrangement established in paragraph 2 above, it is understood by Petitioner that PSE&G may exercise its authority in accordance with its tariff and the provisions of N.J.A.C. 14:3-3A.1 et seq.

4. This agreement is in settlement of the Petition filed by Petitioner on or about May 11, 2011.

5. The undersigned agree that this Settlement 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 Settlement 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 Settlement to be null and void, and the

parties shall be placed in the same position that they were in immediately prior to its execution.

PSEG SERVICES CORPORATION  
Attorneys for PSE&G

DATED: 10/5/1

By: Alexander C. Stern  
Alexander C. Stern, Esq.  
Assistant General Regulatory Counsel

PUBLIC SERVICE ELECTRIC & GAS CO.

DATED: 10/05/1

By: Patricia Esler  
Patricia Esler  
Manager of Customer Assessment

MAURY R. WINKLER, ESQ.  
ATTORNEY AT LAW

DATED:

By: \_\_\_\_\_  
Maury R. Winkler, Esq.  
Attorney for Petitioner

parties shall be placed in the same position that they were in immediately prior to its execution.

PSEG SERVICES CORPORATION  
Attorneys for PSE&G

DATED:

By: \_\_\_\_\_  
Alexander C. Stern, Esq.  
Assistant General Regulatory Counsel

MAURY R. WINKLER, ESQ.  
ATTORNEY AT LAW

DATED: 10/25/11

By: \_\_\_\_\_  
Maury R. Winkler, Esq.  
Attorney for Petitioner

DATED: 10/05/11

By: \_\_\_\_\_  
Roberto Dawkins  
Authorized Signatory  
Most Worshipful Oriental Grand Lodge  
AF&M Fulton Newark, Inc.