



Agenda Date: 3/12/12
Agenda Item: VIII E

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

CASINO-IN-THE-PARK, Petitioner) ORDER ADOPTING INITIAL
) DECISION SETTLEMENT
V.)
PUBLIC SERVICE ELECTRIC AND GAS COMPANY, Respondent) BPU DOCKET NO. EC11080511U
) OAL DOCKET NO. PUC 12290-11

Parties of Record:

John J. Marinan, Esq., on behalf of Casino-In-The-Park, Petitioner

Mally Becker, Esq., on behalf of Public Service Electric and Gas Company, Respondent

BY THE BOARD:

On August 29, 2011, Casino-In-The-Park ("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 to Petitioner 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 decided on February 7, 2012 and submitted to the Board on February 10, 2012, 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, Respondent will credit Petitioner's electric and gas account in the amount of \$10,510.17, leaving an outstanding overdue balance on the account owed to Respondent for past electric service rendered by Respondent in the amount of \$2,299.75. In return, Petitioner has agreed to pay this outstanding balance in six (6) equal

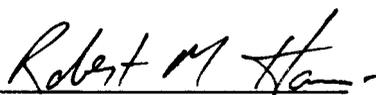
monthly increments of \$383¹ and to make timely payments to Respondent for electric and gas service.

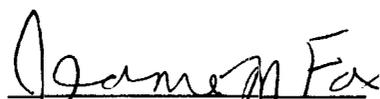
After review of the record and the Stipulation of Settlement of the parties, the Board HEREBY FINDS that the parties have voluntarily agreed to the settlement as evidenced by their signatures, that by the terms of the Stipulation of Settlement have fully resolved all outstanding contested issues in this matter, and that the Stipulation of Settlement is consistent with law.

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: 3/12/2012

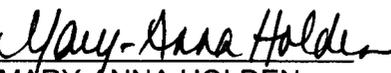
BOARD OF PUBLIC UTILITIES
BY:

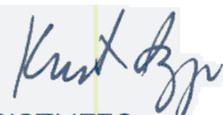

ROBERT M. HANNA
PRESIDENT


JEANNE M. FOX
COMMISSIONER

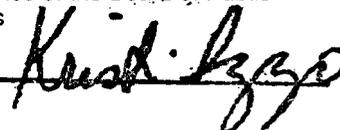

JOSEPH L. FIORDALISO
COMMISSIONER


NICHOLAS ASSELTA
COMMISSIONER


MARY-ANNA HOLDEN
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



¹ To be precise, the six payments of \$383 will total \$2,298. Because \$383 was the number used to calculate the payment plan, the Board finds \$2,298 to be the controlling amount of the outstanding overdue balance, as negotiated between Petitioner and Respondent.

CASINO-IN-THE-PARK

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU DOCKET NO. EC110800511U

OAL DOCKET NO. PUC 12290-11

SERVICE LIST

John J. Marinan, Esq.
9 Leonardville Road
P.O. Box 873
New Monmouth, New Jersey 07748

Mally Becker, Esq.
PSEG Services Corporation
80 Park Plaza – T5G
Newark, New Jersey 07102-4194

Eric Hartsfield, Director
Julie Ford-Williams
Division of Customer Assistance
Board of Public Utilities
Two Gateway Center
Newark, New Jersey 07102

David Wand, DAG
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

RECEIVED
CASE MANAGEMENT

FEB 10 10:33

BOARD OF PUBLIC UTILITIES
NEWARK, N.J.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

BPU MAILROOM

FEB 10 2012

RECEIVED

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 12290-11N

AGENCY DKT. NO. EC110800511U

CASINO-IN-THE-PARK,

Petitioner,

v.

PUBLIC SERVICE ELECTRIC AND GAS

COMPANY,

Respondent.

CMS
Legal - Bedlow
V. Haynes
D. Lee - Thomas
J. Williams - Ford
R. Lambert
DAG
RPA

John J. Marinan, Esq. on behalf of petitioner

Malley Becker, Esq. on behalf of respondent (PSE&G Services Corporation)

Record Closed: February 6, 2012

Decided: February 7, 2012

BEFORE KIMBERLY A. MOSS, ALJ:

On October 12, 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 November 16, 2011. A hearing was scheduled and for January 13, 2012. Prior to the hearing date the parties engaged in extensive settlement discussions, agreed on a settlement and the January hearing date was adjourned. On February 6, 2012 the undersigned received the Stipulation of Settlement, 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.

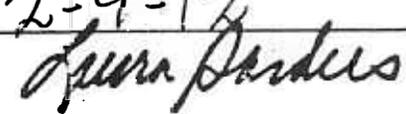
hereby **FILE** my initial decision with the **BOARD OF PUBLIC UTILITIES** for consideration.

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.

February 1, 2012
DATE


KIMBERLY A. MOSS, ALJ

Date Received at Agency:

2-9-12


Date Mailed to Parties: **FEB - 9 2012**
ljb

DIRECTOR AND
CHIEF ADMINISTRATIVE LAW JUDGE

7. This agreement is in full settlement of the Petition filed by Petitioner on or about August 23, 2011.

8. 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
Attorney for PSE&G

DATED: 2/2/12

By: Mally Becker
Mally Becker, Esq.
Assistant General Regulatory Counsel

PUBLIC SERVICE ELECTRIC & GAS CO.

DATED: 2/2/12

By: Patti Esler
Patti Esler
Manager of Customer Operations

PETITIONER

DATED: 1/30/12

By: John J. Marrian
John J. Marrian
Counsellor-at-Law
On Behalf of
Casino-in-the-Park