



Agenda Date: 3/12/12
Agenda Item: VIIF

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

CUSTOMER ASSISTANCE

WANSOO & YONGHE KIM,
Petitioners

v.

SHORELANDS WATER COMPANY,
Respondent

) ORDER ADOPTING INITIAL
) DECISION AND SETTLEMENT
)
) BPU DOCKET NO. WC11070422U
) OAL DOCKET NO. PUC 00396-12

Parties of Record:

Wansoo & Yonghe Kim, Petitioners, appearing *pro se*
Bruce S. Edington, Esq., on behalf of Respondent, Shorelands Water Company

BY THE BOARD:

On July 14, 2011, Wansoo & Yonghe Kim ("Petitioners") filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to a billing dispute with Shorelands 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") Kimberly A. Moss.

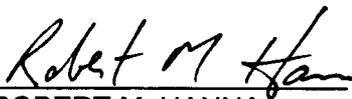
While this matter was pending at the OAL, the parties engaged in negotiations and reached a settlement resulting in a Release that was submitted to the ALJ. By Initial Decision issued on January 27, 2012, and submitted to the Board on February 2, 2012, to which the Release was attached and made part thereof, ALJ Moss found that the Release 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 Release, Petitioners have released and discharged Respondent from any and all claims for damages due to the water leak at Petitioners' premises located at 3091 Highway 35, Hazlet, New Jersey and agreed to pay Respondent a total of \$877.54 as payment in full for outstanding water charges through February 9, 2011. In return, Respondent has released and discharged Petitioners for all claims for the water bill in the amount of \$2,193.86 for water service to the subject premises through February 9, 2011.

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

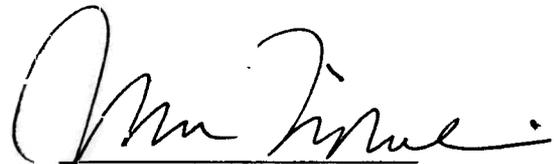
Accordingly, the Board HEREBY ADOPTS the Initial Decision and the Release attached thereto as if fully set forth herein.

DATED: 3/12/2012

BOARD OF PUBLIC UTILITIES
BY:


ROBERT M. HANNA
PRESIDENT


JEANNE M. FOX
COMMISSIONER

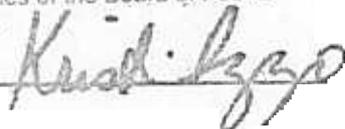

JOSEPH L. FIORDALISO
COMMISSIONER


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



WANSOO & YONGHE KIM

V.

SHORELANDS WATER COMPANY

BPU DOCKET NO. WC11070422U

OAL DOCKET NO. PUC 00396-12

SERVICE LIST

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Scarsdale, New York 10583

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Board of Public Utilities
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Trenton, NJ 08625

Jennifer S. Hsia, DAG
Division of Law
124 Halsey Street
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ELCIVE
CASE MANAGER

2012 FEB -2 AM 11:29

BOARD OF PUBLIC UTILITIES
NEWARK, N.J.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

CMY
E. Baslow
V. Haynes
D. Lee-Thomas
J. Ford-Williams
~~A. Hambro~~
C. Vachon
DAG
RPA

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 00396-12

AGENCY DKT. NO. WC11070422U

WANSOO & YONGHE KIM,

Petitioner,

v.

SHORELANDS WATER COMPANY,

Respondent.

1. 2. 3.

NEED

1.

FEB 1 2012

Wansoo & Yonghe Kim, petitioners appearing pro se

Bruce Edington, Esq. on behalf of respondent

Record Closed: January 25, 2012

Decided: January 27, 2012

BEFORE KIMBERLY A. MOSS, ALJ:

On January 9, 2012, 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 for January 24, 2012 during which time respondent's counsel advised that the matter had been settled in September of 2011. A copy of the Release dated September 14, 2011 was submitted to the undersigned on January 25, 2012 which is attached hereto for reference.

I have reviewed the record and terms of the release and **FIND:**

1. The parties have voluntarily agreed to the release as evidenced by the signatures of the parties or their representatives.
2. The release 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 release 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.

JANUARY 27, 2012
DATE



KIMBERLY A. MOSS, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

ljb



January 25, 2012

VIA FAX ONLY (973) 648-6124

Honorable Kimberly Moss, ALJ
Office of Administrative Law
33 Washington Street
Newark, NJ 07102

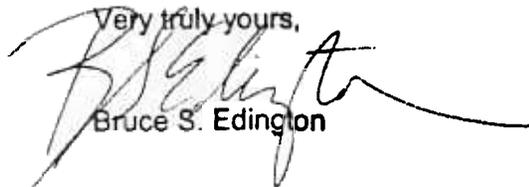
**Re: Wansoo & Yonghe Kim v. Shorelands Water Company
Agency Docket/Reference No. WC11070442U**

Dear Judge Moss:

Pursuant to the January 24, 2012 request from your office, this will confirm that the above-captioned matter has been settled between the parties. Attached is a copy of the Release dated September 14, 2011.

Should you have any questions regarding the above, please telephone me at your convenience.

Very truly yours,



Bruce S. Edington

BSE/cac
Enclosure

7037639-1
E-mail: bruce.edington@leclairryan.com
Direct Phone: 973.491.3524

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CALIFORNIA \ CONNECTICUT \ MASSACHUSETTS \ MICHIGAN \ NEW JERSEY \ NEW YORK \ PENNSYLVANIA \ VIRGINIA \ WASHINGTON, D.C.

David C. Freinberg \ Attorney in charge, Newark office \ LeClairRyan is a Virginia professional corporation

RELEASE

This Release, dated September 14, 2011, is given

BY the Releasor: **Wansoo and Yonghe Kim of 952 Post Road, Scarsdale, NY 10583, Property Owners of 3091 Highway 35, Hazlet, NJ 07730**

referred to as "I", "Me" or "the Kims",

TO **Shorelands Water Company, 1709 Union Avenue, PO Box 158, Hazlet, NJ 07730, its Employees, Officers, Attorneys, Shareholders, Board Members and/or Owners**

referred to as "You", "Your" or "Shorelands".

If more than one person signs this Release, "I" shall mean each person who signs this Release.

1. Release.

a. I hereby release and discharge You from any and all claims for damages due to the water leak at our property referenced above, 3091 Highway 35, Hazlet, NJ 07730.

b. Shorelands hereby releases and discharges the Kims from any and all claims for the water bill in the amount of \$2,193.86 for water delivered to 3091 Highway 35, Hazlet, NJ 07730 property through February 9, 2011 in consideration of the payment of \$877.54 by the Kims. Attached the Work Order#41547 & Meter read 619830-- on 02/09/11.

2. Payment. I agree to pay you a total of \$ 877.54 as payment in full for outstanding water charges.

3. Who is Bound. I and You are both bound by this Release.

4. Signatures. I understand and agree to the terms of this Release. If this Release is made by a corporation its proper corporate officers sign and its corporate seal is affixed.

Witnessed or attested by:

Witness

Witness

Paula Casanova
Witness

[Signature]
Wansoo Kim

[Signature]
Yonghe Kim

[Signature]
Eric Olsen, P.E./COO
Shorelands Water Co., Inc.