



Agenda Date: 7/18/12
Agenda Item: VIJA

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

DR. DONALD BYK,)	ORDER ADOPTING INITIAL
Petitioner)	DECISION SETTLEMENT
)	
V.)	
)	
NEW JERSEY AMERICAN WATER COMPANY,)	BPU DOCKET NO. WC12010065U
Respondent)	OAL DOCKET NO. PUC 3690-12

Parties of Record:

Dr. Donald Byk, Petitioner, appearing *pro se*.
Robert J. Brabston, Esq., appearing on behalf of Respondent, New Jersey American Water Company

BY THE BOARD¹:

On January 18, 2012, Dr. Donald Byk ("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") Ronald W. Reba.

While this matter was pending at the OAL, the parties engaged in negotiations and entered into and signed a Settlement Agreement ("Agreement") that was submitted to the ALJ. By Initial Decision issued on June 18, 2012, and submitted to the Board on June 22, 2012, to which the Agreement was attached and made part thereof, ALJ Reba found that the Agreement 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 Agreement, and in order to fully resolve this matter, the parties have agreed that Respondent shall provide to Petitioner copies of all bills for 11 Highmount and 13 Highmount, respectively, going back to 2005, or as

¹ Commissioner Joseph L. Fiordaliso did not participate.

long as the Respondent has records. In addition, Respondent shall credit the 11 Highmount account in the amount of \$327.14 and credit the 13 Highmount account in the amount of \$160.38 for a total credit of \$487.52.


After review of the record and the Settlement Agreement 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 Settlement Agreement, have fully resolved all outstanding contested issues in this matter.

Accordingly, the Board **HEREBY ADOPTS** the Initial Decision and the Settlement Agreement executed by the parties in their entirety as if fully set forth herein. Therefore, the petition in this matter is **HEREBY DISMISSED**.

DATED: 7/18/12

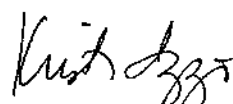
BOARD OF PUBLIC UTILITIES
BY:


ROBERT M. HANNA
PRESIDENT

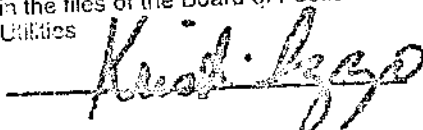

JEANNE M. FOX
COMMISSIONER


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



DR. DONALD BYK

V.

NEW JERSEY AMERICAN WATER COMPANY

BPU DOCKET NO. WC12010065U
OAL DOCKET NO. PUC3690-12

SERVICE LIST

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REC'D

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6/25/12



2012 JUN 25 AM 10 57

NJ BPU
CASE MANAGEMENT

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

RECEIVED

2012 JUN 22 AM 11 37

NJ BPU
MAILROOM

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 3690-12

AGENCY DKT. NO. WC12010065U

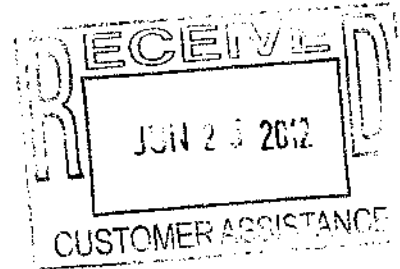
DR. DONALD BYK,

Petitioner,

v.

NEW JERSEY AMERICAN

WATER COMPANY,



Dr. Donald Byk, petitioner, pro se

Robert J. Brabston, Esq., for respondent

Record Closed: June 18, 2012

Decided: June 19, 2012

BEFORE RONALD W. REBA, ALJ:

This matter was transmitted to the Office of Administrative Law (OAL) on March 20, 2012, 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 indicating the terms thereof, which is attached and fully incorporated herein.

I have reviewed the record and the settlement terms and I **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.

JUNE 19, 2012
DATE

Ronald W. Reba
RONALD W. REBA, ALJ

Date Received at Agency:

Date Mailed to Parties:

6/21/12

/cad

Office of Administrative Law

ByK v. NPAWC

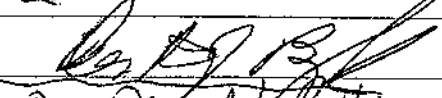
Docket No. PUC 03690 2012 S
Agency No. WC 120100654

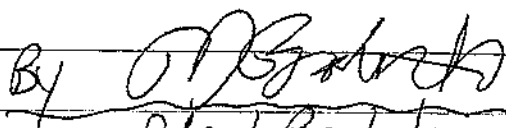
This settlement agreement in the above-captioned matter represents a complete resolution of all issues raised in this proceeding. The terms of this agreement are as follows:

1. NPAWC will provide copies of all bills for 11 Rightmoot and 13 Rightmoot, ~~and~~ respectively, going back to 2005 or as long as the Company has records

2. NPAWC will provide the unexplained usage adjustment originally offered in October 2011 in the amount of:

11 Rightmoot → \$327.14
13 Rightmoot → \$160.38
for a total of: \$487.52 —

By: 
Dr. Donald Byk

By: 
Robert Branstorn
counsel for NPAWC

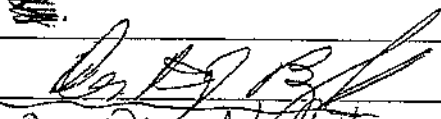
Office of Administrative Law

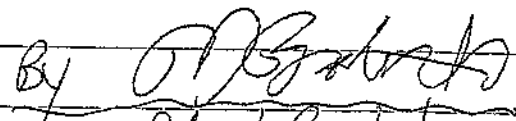
ByK v. NDAHC

Docket No. PUC 03590 2012 S
Agency No. WC 12010065 U

This settlement agreement in the above-captioned matter represents a complete resolution of all issues raised in this proceeding. The terms of this agreement are as follows:

1. NDAHC will provide copies of all bills for 11 highmount and 13 Highmount, ~~etc~~ respectively, going back to 2005 or as long as the Company has records
2. NDAHC will provide the unexplained usage adjustment originally offered in October 2011 in the amount of:
11 Highmount → \$327.14
13 Highmount → \$160.38
for a total of: \$487.52 —

By: 
Dr. Donald Byk

By: 
Robert Brabston
counsel for NDAHC