



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

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

LINDA HAYES,
Petitioner

v.

SOUTH JERSEY GAS COMPANY,
Respondent

) ORDER ADOPTING INITIAL
) DECISION AND SETTLEMENT
)
)
)
) BPU DOCKET NO. GC11100763U
) OAL DOCKET NO. PUC 667-12

Linda Hayes, Petitioner, appearing *pro se*
Theresa D. Watts, Esq., on behalf of Respondent, South Jersey Gas Company

BY THE BOARD¹:

On October 28, 2011, Mary E. Linda Hayes ("Petitioner") filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to a billing dispute with South Jersey 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") Donald J. Stein.

While this matter was pending at the OAL, the parties engaged in negotiations and entered into and signed a Settlement Agreement and Release ("Settlement") that was submitted to the ALJ.

By Initial Decision issued on May 29, 2012, and submitted to the Board on June 4, 2012, to which the Settlement was attached and made part thereof, ALJ Stein found that the Settlement 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 Settlement, and in order to fully resolve this matter, the parties have agreed that the gas meter at Petitioner's premises was not registering during the 40-month period from November 23, 2004 through March 26, 2008 which resulted in Respondent billing Petitioner in the amount of \$6,254.86 for the unbilled

¹ Commissioner Joseph L. Fiordaliso did not participate.

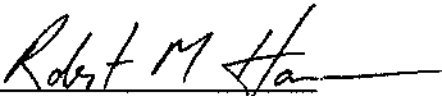
charges. Respondent has agreed to reduce the disputed billing to \$2,500.00 to be repaid by Petitioner in 40-monthly payments of \$62.50 per month. Petitioner has agreed to this payment schedule. The parties have further agreed that all other charges by Respondent to Petitioner, including Petitioner's current gas bill and her South Jersey Energy Service Plus bill, remain in full effect and are not part of this settlement. The parties have also reserved their rights to pursue any other disputes including the Service Sentry Plan.

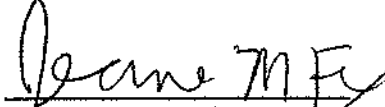
After review of the record and the Settlement of the parties, the Board HEREBY FINDS that the parties have voluntarily agreed to the Settlement as evidenced by their signatures and that by the terms of the Settlement, have fully resolved all outstanding contested issues in this matter.

Accordingly, the Board HEREBY ADOPTS the Initial Decision and the Settlement Agreement and Release signed by the parties in their entirety as if fully set forth herein.

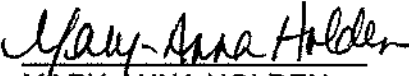
DATED: 7/18/12

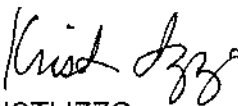
BOARD OF PUBLIC UTILITIES
BY:


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



LINDA HAYES

V.

SOUTH JERSEY GAS COMPANY

BPU DOCKET NO. GC11100763U

OAL DOCKET NO. PUC667-12

SERVICE LIST

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Julie Ford Williams
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Trenton, New Jersey 08625-0350

Carolyn McIntosh, DAG
Division of Law
124 Halsey Street – P.O. Box 45029
Newark, New Jersey 07101

filed 6/5/12



RECEIVED

2012 JUN 4 AM 11:00 State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

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REC'D

2012 JUN 5 AM 10 08

INITIAL DECISION NJ BPU
SETTLEMENT CASE MANAGEMENT

OAL DKT. NO. PUC 667-12
AGENCY DKT. NO. GC11100763U

LINDA HAYES,

Petitioner,

v.

SOUTH JERSEY GAS COMPANY,

Respondent.

Linda Hayes, petitioner, pro se

Theresa D. Watts, Esq., for respondent

Record Closed: May 24, 2012

Decided: May 29, 2012

BEFORE **DONALD J. STEIN**, ALJ:

This matter was transmitted to the Office of Administrative Law on January 17, 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.

Hearing was scheduled for May 7, 2012, but adjourned at the request of petitioner so she could consult an attorney and the matter was rescheduled for May 24, 2012. On that date, the parties appeared and reached a settlement. The terms were reduced to writing and the parties executed an agreement on May 24, 2012.

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

1. The parties have voluntarily agreed to the settlement as evidenced by their agreement or their representatives' agreement as set forth above.
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.

May 29, 2012
DATE



DONALD J. STEIN, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____
4/1/12

cmo

LINDA HAYES,

Petitioner,

OAL DKT. NO. PUC 667-12

AGENCY REF. NO. GC11100763U

v.

SOUTH JERSEY GAS COMPANY,

Respondent.

SETTLEMENT AGREEMENT AND RELEASE

Whereas, petitioner Linda Hayes, of 620 Pasadena Drive, Magnolia, NJ 08049-1636, brought this billing dispute complaint against respondent South Jersey Gas Company, ("SJG"); and

Whereas, the parties have reached agreement regarding the billing dispute; and

Whereas, the parties hereby acknowledge and agree to the following:

1. Petitioner's gas meter was found by SJG to be non-registering during a 40-month period from November 23, 2004 through March 26, 2008 (the "Disputed Period").
2. Respondent billed Petitioner \$6,254.86 for the unbilled charges as a result of the non-registering meter.
3. Respondent hereby agrees to reduce Petitioner's Disputed charges to \$2,500.00 to be repaid at \$62.50 per month over a 40-month period.
4. Petitioner hereby agrees to pay Respondent \$62.50 per month over a 40-month period.
5. All other billing charges by SJG to Petitioner, including Petitioner's current SJG gas bill and her South Jersey Energy Service Plus bill remain in full effect, and are not a part of this Settlement Release Agreement.

The parties reserve their rights to pursue any other disputes, including the Service Sentry Plan.

Agreed by:

Agreed by:

TDW
LPH

TDW
LPH

Linda Hayes 5-24-12

Linda Hayes, Petitioner

Theresa D. Watts

Theresa D. Watts, Esq.
On behalf of South Jersey Gas Co.