

Agenda Date: 10/23/12 Agenda Item: VIIC

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

LINCOLN REALTY HOLDING CO./HORST SAVICKAS, Petitioner)	ORDER ADOPTING INITIAL DECISION SETTLEMENT
V.)	
PUBLIC SERVICE ELECTRIC AND GAS COMPANY, Respondent)))	BPU DOCKET NO. EC09090753U OAL DOCKET NO. PUC13882-09

Parties of Record:

Horst Savickas, appearing pro se Sheree L. Kelly, Esq., appearing on behalf of Respondent, Public Service Electric and Gas Company

BY THE BOARD1:

Horst Savickas, on behalf of himself and Lincoln Realty Company (collectively, "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") 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") Mumtaz Bari-Brown.

While this matter was pending at the OAL, the parties signed a Stipulation of Settlement ("Stipulation") that was submitted to the ALJ. By Initial Decision issued on September 14, 2012 and submitted to the Board on September 19, 2012, to which the Stipulation was attached and made part thereof, ALJ Bari-Brown 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.

¹ Commissioner Mary-Anna Holden did not participate.

Pursuant to the terms of the Stipulation, the parties agreed that, after a rebilling of gas service, Respondent will credit Petitioner's account in the amount of \$86,211.43, including a \$1,000 credit given in the interest of good customer relations.

Based on a review of the record and the Stipulation of Settlement, the Board <u>HEREBY FINDS</u> that the parties have voluntarily agreed to the settlement, as evidenced by their signatures, that the terms of the Stipulation of Settlement fully resolve all outstanding contested issues in this matter, and the settlement is consistent with the law.

Accordingly, the Board <u>HEREBY</u> <u>ADOPTS</u> the Initial Decision in its entirety.

DATED: 10/23/12

BOARD OF PUBLIC UTILITIES

ROBERT M. HANNA 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

LINCOLN HOLDING CO./HORST SAVICKAS

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU DOCKET NO. EC09090753U OAL DOCKET NO. PUC13882-09

SERVICE LIST

Horst Savickas Lincoln Realty Co. P.O. Box 713 Fairview, New Jersey 07022

Sheree L. Kelly, 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
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350

David Wand, DAG Division of Law 124 Halsey Street P.O. Box 45029 Newark, New Jersey 07101 ferel 9/20/12

REC'D

2012 SEP 19 RM 9 09

NJ BPU CASE MANAGEMENT

1.4



8PU MAILROOM SEP 1 9 2012 RECEIVING

INITIAL DECISION
SETTLEMENT

OAL DKT. NO. PUC 13882-09

AGENCY DKT. NO. EC09090753U

LINCOLN REALTY HOLDING CO./HORST SAVICKAS,

Petitioner,

٧.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY,

Respondent.

Horst Savickas, petitioner, pro se

Sheree L. Kelly, Esq., for respondent

Record Closed: August 23, 2012

Decided: September 14, 2012

BEFORE MUMTAZ BARI-BROWN, ALJ:

This matter was transmitted to the Office of Administrative Law (OAL) on January 15, 2009, for resolution as a contested case pursuant to <u>N.J.S.A.</u> 52:14B-1 to -15 and <u>N.J.S.A.</u> 52:14F1 to -13.

Prior to the date of hearing the parties settled the matter. The attached Stipulation of Settlement was submitted on August 22, 2012, indicating the terms of agreement which are incorporated herein by reference.

Having reviewed the record and the settlement terms, I FIND:

- The parties have voluntarily agreed to the settlement as evidenced by their signatures and/or the signatures of their representatives.
- 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 <u>N.J.A.C.</u> 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.

September	11	2012	
Senember	14.	ZU 1 Z	

DATE

MUMTAZ BARI-BRÓWN, ALJ

Date Received at Agency:

Date Mailed to Parties:

SEP 1 8 2012

DIRECTOR AND

db

CHIEF ADMINISTRATIVE LAW JUDGE

STATE OF NEW JERSEY OFFICE OF ADMINISTRATIVE LAW

Lincoln Realty Holding Co./Horst Savickas) OAL Docket No. PUC 13882-2009N
Petitioner) BPU Docket No. EC09090753U
v.)
) STIPULATION OF SETTLEMENT
Public Service Electric and Gas Company,)
Respondent)

This matter having been brought before the Office of Administrative Law by the Petitioner, Lincoln Realty Holding Co./Horst Savickas ("Petitioner"), against Respondent Public Service Electric and Gas Company ("PSE&G" or "Respondent") for utility service rendered by PSE&G to the premises 125 Lincoln Avenue House, Newark, NJ, 07104 (the "Property") and the Parties having agreed to settle this matter, hereby set forth the terms and conditions of their settlement agreement as follows:

- 1. PSE&G will credit the account in the amount of \$86,211.43.
- 2. This is due to the rebilling of gas service which resulted in a credit of \$85,211.43 and a \$1,000.00 credit in the interest of good customer relations.

Petitioner: Lincoln Realty Holding Co.

By:

Horst Savickas

By:

Edward Sullivan

Manager, Customer Operations

Date:

Date:

Date:

Date:

Date:

Date:

Date:

Date:

Respondent: PSE&G

Edward Sullivan

Manager, Customer Operations