Agenda Date: 7/19/13 Agenda Item: VIIA

CHETOMED ADDIOTANCE



STATE OF NEW JERSEY

Board of Public Utilities 44 South Clinton Avenue, 9th Floor Post Office Box 350 Trenton, New Jersey 08625-0350 <u>www.nj.gov/bpu/</u>

		COSTOMER ASSISTANCE
DAVID APPELLO, Petitioner)	ORDER ADOPTING INITIAL DECISION SETTLEMENT
V.)	
PUBLIC SERVICE ELECTRIC AND GAS COMPANY, Respondent)	BPU DKT. NO. GC13010044U OAL DKT. NO. PUC03799-13

Parties of Record:

David Appello, appearing <u>pro se</u>

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

BY THE BOARD:

On January 10, 2013, David Appello ("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") 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 issued on June 10, 2013 and submitted to the Board on June 12, 2013, to which the Stipulation was attached and made a 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 Stipulation, the Respondent has agreed to credit the Petitioner in the total amount of \$5,000.00 to be applied as follows: (1) the account number ending in 150-08 will be credited in the amount of \$3,468.26 and will have a zero balance; (2) the account number ending in 128-01 has a zero balance; (3) the account number ending in 498-01 has a zero

balance and no further collection action will occur on the above accounts; (4) the account number ending in 401-18 will be credited in the amount of \$35.21 which will result in a current zero balance; and (5) the Cliffside Park account number ending in 883-01 will be credited in the amount of \$1,496.53.

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

Accordingly, the Board HEREBY ADOPTS the Initial Decision and Stipulation of Settlement executed by the parties in their entirety as if set forth at length herein.

DATED: 7/19/13

BOARD OF PUBLIC UTILITIES

PRESIDENT

OMMISSIONER

MARY-ANNA HOLDEN

SEPH L. FIORDALISO

COMMISSIONER

COMMISSIONER

COMMISSIONER

ATTEST:

SECRETARY

DAVID APPELLO

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU DOCKET NO. GC13010044U OAL DOCKET NO. PUC03799-13

SERVICE LIST

David Appello 247 River View PI. Cliffside Park, New Jersey 07010

Sheree L. Kelly, Esq. PSEG Services Corporation 80 Park Plaza – T5G Newark, New Jersey 07102-4194

Veronica Beke, DAG Division of Law 124 Halsey Street Post Office Box 45029 Newark, New Jersey 07101-45029 Eric Hartsfield, Director Division of Customer Assistance Board of Public Utilities 44 South Clinton Avenue, 9th Floor Post Office Box 350 Trenton, New Jersey 08625-0350

Julie Ford-Williams, Bureau Chief Division of Customer Assistance Board of Public Utilities 44 South Clinton Avenue, 9th Floor Post Office Box 350 Trenton, New Jersey 08625-0350



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State of New Jersey

2013 JUN 13 API 10 32 OFFICE OF ADMINISTRATIVE LAW

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NU LITU CASE MANAGEMENT

INITIAL DECISION
SETTLEMENT

OAL DKT. NO. PUC 03799-13
AGENCY DKT. NO. 01:C13010044U

DAVID APPELLO,

Petitioner,

٧.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY,

Respondent.

David Appello, petitioner, pro se

Sheree Kelly, Esq on behalf of respondent (PSE&G Services Corporation)

Record Closed: June 10, 2013

Decided: June 10, 2013

BEFORE KIMBERLY A. MOSS, ALJ:

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 conducted on April 8, 2013 wherein the parties agreed to schedule the hearing on June 10, 2013. Prior to the hearing date the respondent's counsel advised that the matter was settled. On June 10, 2013 the parties forwarded a copy of the fully executed Stipulation of Settlement, which is attached hereto for reference.

d

STATE OF NEW JERSEY OFFICE OF ADMINISTRATIVE LAW

David Appello Petitioner	OAL Docket No. PUC 03799-2013 N BPU Docket No. GC13010044U
Public Service Electric and Gas Company, Respondent	STIPULATION OF SETTLEMENT STIPULATION OF SETTLEMENT STIPULATION OF SETTLEMENT
Petitioner, David Appello ("Petitioner"), agai Company ("PSE&G" or "Respondent") for ut 53 Danforth Avenue, Jersey City, NJ, 07305	re the Office of Administrative Law by the nst Respondent Public Service Electric and Gas tility service rendered by PSE&G to the premises (the "Property") and the Parties having agreed to nd conditions of their settlement agreement as
 Respondent agrees to credit Pe 	stitioner in the total amount of \$5,000.00.
b. Account no. ending in 12 c. Account no. ending in 49 No further collection acti d. Account no. ending in 40 result in a current zero ba	io-08 will be credited in the amount of \$3,468.26, nce; 18 01 has a zero balance; 18 01 has a zero balance; and on will occur regarding the above accounts.
Petitioner: David Appello .	Respondent: PSE&G
By: Jank appell	By:
Date: 6. 2.13	Date:

STATE OF NEW JERSEY OFFICE OF ADMINISTRATIVE LAW

David Appello
Petitioner
Petitioner

Public Service Electric and Gas Company,
Respondent

OAL Docket No. PUC 03799-2013 N
BPU Docket No. GC130106440

STIPULATION OF SETTISEMENT
Respondent

This matter having been brought before the Office of Administrative Law by the Petitioner, David Appello ("Petitioner"), against Respondent Public Service Electric and Gas Company ("PSE&G" or "Respondent") for utility service rendered by PSE&G to the premises 53 Danforth Avenue, Jersey City, NJ, 07305 (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. Respondent agrees to credit Petitioner in the total amount of \$5,000,00.
- The credit will be applied as follows:
 - Account no, ending in 150-08 will be credited in the amount of \$3,468.26, and will have a zero balance;
 - b. Account no. ending in 128 01 has a zero balance;
 - Account no. ending in 498 01 has a zero balance; and
 No further collection action will occur regarding the above accounts.
 - d. Account no, ending in 401-18 will be credited in the amount of \$35.21 will result in a current zero balance; and
 - Cliffside Park account no. ending in 883-01 will be credited in the amount of \$1,496.53.

Petitioner: David Appello

By: Jane aggrell

Date: 6.7.15

Respondent: PSE&G

Edward B. Sullivan

Manager, Regulatory Services

Date: 6/10/13

. : OAL DKT. NO. PUC 03799-13

I have reviewed the record and terms of the Stipulation of Settlement and FIND:

 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.

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.

6-10-13	
DATE	KIMBERLY A. MOSS, ALJ
Date Received at Agency:	
Date Mailed to Parties:	