



Agenda Date: 5/21/14
Agenda Item: VIIA

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

ELBIN GARNIER,)	ORDER ADOPTING INITIAL
Petitioner)	DECISION SETTLEMENT
)	
V.)	
)	
PUBLIC SERVICE ELECTRIC AND GAS COMPANY,)	BPU Docket No. EC13111081U
Respondent)	OAL Docket No. PUC 18709-13

Parties of Record:

Kendal Coleman, Esq., on behalf of petitioner
Alexander C. Stern, Esq., on behalf of respondent

BY THE BOARD:

Elbin Garnier ("Petitioner") filed a petition with the Board of Public Utilities ("Board") on or about November 13, 2013 against Public Service Electric and Gas Company ("Respondent") over a billing dispute with Respondent. Specifically, Petitioner sought to restrain Respondent from terminating Petitioner's electric and gas service; from continuing its alleged over-billing; and any other relief the court deemed equitable.

After the filing of Respondent's answer, the Board transmitted this matter to the Office of Administrative Law ("OAL") for hearing as a contested matter pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. The 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 executed a Stipulation of Settlement that was submitted to the ALJ. On April 22, 2014, ALJ Moss submitted her Initial Decision to which the Stipulation was attached and made part thereof. ALJ Moss concluded 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. Therefore, ALJ Moss ordered the parties to comply with the agreed upon settlement terms.

The essential terms of the Stipulation are as follows: (1) Respondent agrees to credit Petitioner's utility account \$12,389.24; (2) Petitioner agrees to timely pay Respondent \$10,000.00 in two payments. The first payment of \$5,000.00 shall be made by April 4, 2014.

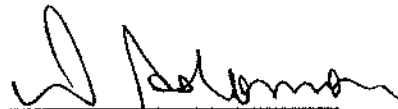
The second payment of \$5,000.00 shall be made by April 11, 2014; (3) if Petitioner fails to keep the agreement as set forth in paragraph 2 above, Petitioner understands Respondent would be entitled to all amounts due and owing prior to the settlement being entered into and that Respondent may exercise its authority in accordance with its tariffs and the provisions of N.J.A.C. 14:3-3A.1 et seq. to discontinue service; and (4) the parties further agree that Respondent utility account #118-04 shall be placed in Petitioner's name with the billing address as provided by Petitioner. Account responsibility shall reside with Petitioner subject to further direction from Petitioner to Respondent. Respondent advised Staff on May 6, 2014, that Petitioner has adhered to that portion of the Settlement requiring two \$5,000.00 payments totaling \$10,000.00 to be paid in April 2014.

Upon careful review and consideration 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 the terms of the Stipulation of Settlement fully resolve 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: 5/21/14

BOARD OF PUBLIC UTILITIES
BY:

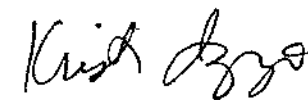

DIANNE SOLOMON
PRESIDENT


JEANNE M. FOX
COMMISSIONER

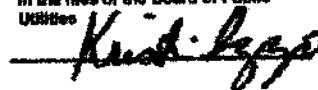

JOSEPH L. FIORDALISO
COMMISSIONER


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



ELBIN GARNIER

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU Docket No. EC13111081U

OAL Docket No. PUC 18709-13

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MAILROOM



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 13709-13

AGENCY DKT. NO. EC13111081U

ELBIN GARNIER,

Petitioner,

v.

**PUBLIC SERVICE ELECTRIC AND GAS
COMPANY,**

Respondent.

Kendal Coleman, Esq. on behalf of petitioner

Alexander C. Stern, Esq. on behalf of respondent (PSE&G Services Corporation)

Record Closed: April 17, 2014

Decided: April 17, 2014

BEFORE KIMBERLY A. MOSS, ALJ:

On December 26, 2013 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 January 29, 2014 during which time the parties agreed on the hearing date of March 31, 2014. On the date of the hearing the parties engaged in extensive settlement discussions. On April 17, 2014 respondent's counsel submitted a fully executed Stipulation of Settlement, which is attached hereto for reference.

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

1. 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. 17:27-19.1 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 its 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.

4-18-14

DATE


KIMBERLY A. MOSS, ALJ

Date Received at Agency:

Date Mailed to Parties:

ljb

STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

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STATE OF NEW JERSEY
OFFICE OF ADMIN. LAW

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Elbio Garnier)	BPU DOCKET NO. EC131110 110
Petitioner,)	OAL DOCKET NO. PUC 18707-2013N
)	
v.)	
)	
Public Service Electric and Gas Company)	STIPULATION OF SETTLEMENT
Respondent.)	
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On or about November 20, 2013 Petitioner filed the above-referenced service dispute. Public Service Electric & Gas Company ("PSE&G" or "Respondent") filed an answer to the petition and the New Jersey Board of Public Utilities ("NJBP" or "Board") transmitted the matter to the Office of Administrative Law ("OAL") as a contested case for adjudication. The matter was assigned to the Honorable Kimberly Moss, ALJ and the parties appeared before ALJ Moss on March 31, 2014 for an evidentiary hearing.

Prior to the commencement of the evidentiary hearing, in the interests of resolving this matter without further delay, extensive effort and cost, the parties hereto agreed to settle this matter in accordance with the following terms:

1. Although not agreeing with the merits of the allegations expressed in the Petition, in the interests of settlement and good customer relations PSE&G agree to credit Petitioner's utility account \$12,389.24.
2. Petitioner agrees to timely pay PSE&G \$10,000.00 in two payments. The first payment of \$5,000.00 shall be made by April 4, 2014. The second payment of \$5,000.00 shall be made by April 11, 2014.
3. If Petitioner fails to keep the agreement as set forth in paragraph 2 above, Petitioner understands that PSE&G would be entitled to all amounts due and owing prior to the settlement being entered into and that PSE&G may exercise its authority in accordance with its tariffs and the provisions of N.J.A.C. 14:27-3A.1 et seq. to discontinue service.
4. The parties further agree that PSE&G utility account #69-487-118-04 shall be placed in Petitioner's name with the billing address as provided by Petitioner. Account responsibility shall reside with Petitioner subject to further direction from Petitioner to PSE&G.
5. This agreement is in full settlement of the Petition filed by Petitioner on or about November 20, 2013 and also fully disposes of any and all matters arising out of the same issues raised in this proceeding.

6. The undersigned agree that this Settlement contains mutually balancing and interdependent provisions and is intended to be accepted and approved in its entirety. In the event any particular aspect of this Settlement is not accepted and approved by the Board or modified by the Board, the party that is adversely affected by the modification can either accept the modification or declare this Settlement to be null and void, and the parties shall be placed in the same position that they were in immediately prior to its execution.

PSEG SERVICES CORPORATION
Attorneys for PSE&G

DATED: 4/15/14

By: Alexander C. Stern
Alexander C. Stern, Esq.
Assistant General Regulatory Counsel

PUBLIC SERVICE ELECTRIC & GAS CO.

DATED: 4-16-14

By: James T. Walsh
James T. Walsh
Senior Customer Relations Consultant

KENDAL COLEMAN, P.C.

DATED: 4-3-14

By: Kendal Coleman
Kendal Coleman, Esq.

PETITIONER

DATED: 4-3-14

By: Elbin Garnier
Elbin Garnier