



Agenda Date: 3/18/15
Agenda Item: VIID

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

JOHN MCLAUGHLIN,)	ORDER ADOPTING INITIAL
Petitioner)	DECISION SETTLEMENT
)	
V.)	
ATLANTIC CITY ELECTRIC COMPANY,)	BPU DOCKET NOs. EC14030277U,
Respondent)	and EC14070791U
)	OAL Docket NO. PUC 08001-14

Parties of Record:

John McLaughlin, Petitioner, appearing *pro se*
Pamela J. Scott, Esq., appearing on behalf of Respondent, Atlantic City Electric Company

BY THE BOARD:

On March 24, 2014, John McLaughlin ("Petitioner") filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to a billing dispute with Atlantic City Electric Company ("Respondent") for electric services rendered by Respondent to properties located in Mays Landing and Somers Point, New Jersey, as well as a dispute as to the security deposit amount required by Respondent as a condition to re-establish electric service at the Mays Landing property.

After the filing of Respondent's answer, the Board transmitted the petition related to the disputed amount of the security deposit required to re-establish service at the Mays Landing property (EC14030277U) 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") W. Todd Miller.

While this matter was pending at the OAL, the parties engaged in negotiations and entered into a signed Stipulation of Settlement ("Stipulation") that was submitted to the ALJ. By Initial Decision issued on February 6, 2015, and submitted to the Board on February 19, 2015, ALJ Miller found that the Stipulation was voluntary, its terms fully disposed of all issues in controversy and it satisfied the requirements of N.J.A.C. 1:1-19.1. Although it had not yet been transmitted to OAL, the parties incorporated the disputed bill charges (EC14070791U) as part of the Stipulation.

Pursuant to the Stipulation, and in order to resolve this matter without further delay, extensive effort and costs, and in the interest of good customer relations, the parties agreed to some of the key issues as follows: (1) Respondent will reduce the required security deposit to re-establish electric at the Mays Landing property to \$200.00; (2) the Petitioner, will only withdraw its complaint in Docket No. EC14030277U and consider that matter closed; (3) With regard to the billing complaints contained in Docket No. EC14070791U, Petitioner has agreed to accept Respondent's offer for an extended payment agreement that will allow Petitioner to pay back the outstanding amount of \$3,073.36 over a period of 36 months at 0% interest to begin on February 9, 2015, with the final payment due no later than February 9, 2018.

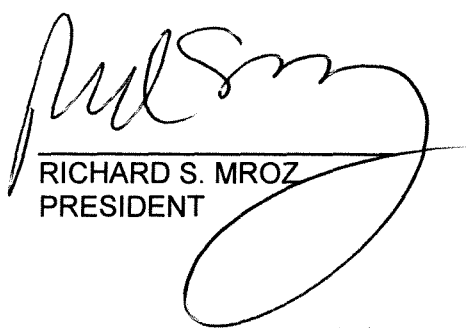
After review of the Initial Decision and the Stipulation of Settlement of the parties, the Board **HEREBY FINDS** that the parties voluntarily agreed to the Stipulation as evidenced by their signatures, and that by the terms of the Stipulation of Settlement fully resolved all outstanding contested issues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

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


The effective date of this Order is March 27, 2015.

DATED: 3/18/15


BOARD OF PUBLIC UTILITIES
BY:

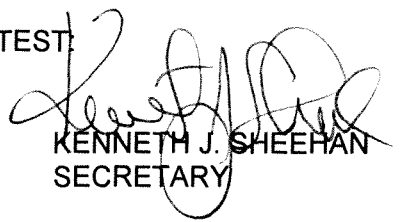

RICHARD S. MROZ
PRESIDENT

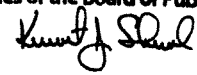

JOSEPH L. FIORDALISO
COMMISSIONER


MARY ANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
COMMISSIONER


UPENDRA J. CHIVUKULA
COMMISSIONER

ATTEST:

KENNETH J. SHEEHAN
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities


JOHN MCLAUGHLIN

v.

ATLANTIC CITY ELECTRIC COMPANY

BPU DOCKET NOs. EC14030277U and EC14070791U
OAL DOCKET NO. PUC 08001-14

SERVICE LIST

John McLaughlin
6203 Lance Avenue
Mays Landing, New Jersey 08330

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Board of Public Utilities
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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 signatures or their representatives' signatures and as placed on the record on December 1, 2014.
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.



February 6, 2015

DATE

W. TODD MILLER, ALJ

Date Received at Agency:

February 6, 2015

Date Mailed to Parties:

/jb

JOHN MCLAUGHLIN,
P 1:09
Petitioner,

v.

**ATLANTIC CITY ELECTRIC
COMPANY,**

Respondent.

**STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW**

**OAL Docket No. PUC08001-2014 S
BPU Docket No. EC14030277U
BPU Docket No. EC14070791U**

STIPULATION OF SETTLEMENT

The undersigned *pro se* Petitioner, John McLaughlin (herein, "Petitioner"), and Respondent, Atlantic City Electric Company (herein, "ACE") through its undersigned counsel, hereby stipulate that, as of this 14th day of February, 2015, the following is an agreed settlement by and between the parties hereto in connection with the above-captioned matters. (Petitioner and Respondent may be referred to individually as a "Party" and will be collectively referred to herein as the "Parties.")

WHEREAS, ACE currently provides electric service to Petitioner at 6203 Lance Avenue, Mays Landing, New Jersey 08330 (the "Mays Landing Property"), originally Atlantic City Electric Company Account No. 378962999983, now Account No. 407475699994 as of June 2014 (the "Mays Landing Account"); and

WHEREAS, ACE previously provided electric service to Petitioner at 2 Obyrne Drive, Somers Point, New Jersey 08244 (the "Somers Point Property"), Atlantic City Electric Company Account No. 378962999991 (the "Somers Point Account"); and

WHEREAS, Petitioner has disputed the amount of the deposit required by ACE to re-establish service at the Mays Landing Property; and

WHEREAS, Petitioner has also disputed the billings for the Mays Landing Property and Somers Point Property; and

WHEREAS, Petitioner filed a written complaint with the New Jersey Board of Public Utilities (herein, the "Board") pertaining to the disputed deposit, Docket No. EC14030277U, and also filed a written complaint with the Board pertaining to the disputed bills, Docket No. 14070791U; and

WHEREAS, BPU Complaint Docket EC14030277U was transferred by the Board to the Office of Administrative Law (Atlantic City vicinage) (the "OAL") and was assigned Docket No. PUC08001- 2014 S (the "OAL Complaint"), and BPU Complaint

Docket EC14070791U has not yet been transferred to the OAL, but was nevertheless combined with the OAL Complaint for purposes of settlement (collectively, the "BPU Complaints"); and

WHEREAS, the Parties have agreed to a settlement of the BPU Complaints as outlined herein.

NOW, THEREFORE, Petitioner and ACE, in consideration of their mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound hereby, agree as follows:

1. ACE has reduced the deposit for the Mays Landing Account to \$200.00 which is acceptable to Petitioner; therefore, Petitioner hereby withdraws the OAL Complaint, being BPU Docket No. EC14030277U and OAL Docket No. PUC08001-2014S, and agrees that this matter is now resolved.
2. As to the BPU Docket No. EC14070791U, Petitioner agrees to accept ACE's offer of an extended payment arrangement such that Petitioner will pay back the amount owed of \$3,073.36 over a period of thirty-six (36) months, at 0% interest, with the first payment due February 9, 2015 and the final payment due no later than February 9, 2018. The deferred payment arrangement will be reflected on Petitioner's bill for the Mays Landing Account.
3. This Stipulation of Settlement is entered into as an accord and satisfaction of disputed claims and is not to be interpreted or construed as an admission by either Party regarding the liability, or lack thereof, of either Party concerning the BPU Complaints.
4. Each of the Parties to this Stipulation of Settlement affirms and acknowledges that (a) a Party, or representative of the Party, with the authority to execute this document, has read and understands this Stipulation of Settlement; (b) the terms of this Stipulation of Settlement and the effects thereof have been fully explained to the Party or its representative; (c) the Party or Party's representative fully understands each term of this Stipulation of Settlement and its effect and has had an opportunity to confer with counsel; and (d) no Party has relied on any statement, representation or inducement (whether material, false, negligently made or otherwise) with respect to said Party's decision to execute this Stipulation of Settlement.
5. This Stipulation of Settlement contains the entire understanding and agreement of the Parties with respect to the subject matter contained herein; supersedes all prior oral or written understandings and agreements relating hereto; and shall not be altered, modified, amended or waived, in whole or in part, except in writing signed by duly authorized representatives of the Parties hereto.
6. This Stipulation of Settlement shall be binding upon and shall inure to the benefit of the Parties hereto and their respective successors and assigns, provided however, that

Petitioner cannot assign or delegate its obligations hereunder without the written consent of ACE.

7. The Parties agree to file, in the form attached hereto as Exhibit A, a Stipulation of Dismissal with Prejudice of all claims which were or could have been asserted by and between them in connection with the above-docketed matters.

{Signatures appear on the following page}

ATLANTIC CITY ELECTRIC
COMPANY

By:



Patricia J. Scott, Esquire
Assistant General Counsel
Atlantic City Electric Company
500 Wakefield Drive
P.O. Box 6066
Newark, Delaware 19714-6066
(302) 429-3143

Dated:

2-4-15

PETITIONER

By:



John McLaughlin, Pro Se
6203 Lance Avenue
Mays Landing, New Jersey 08330
609-339-6728

Dated:

2-4-15

JOHN MCLAUGHLIN,
Petitioner,

v.

ATLANTIC CITY ELECTRIC
COMPANY,
Respondent.

STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW


OAL Docket No. PUC08001-2014 S
BPU Docket No. EC14030277U
BPU Docket No. EC14070791U

STIPULATION OF DISMISSAL WITH PREJUDICE

The parties to this action, by and through their undersigned counsel, hereby stipulate that the above-captioned actions may be dismissed, with prejudice, as a settlement has been reached of all claims by all parties hereto.

ATLANTIC CITY ELECTRIC
COMPANY

By:

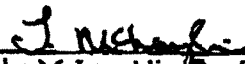

Pamela J. Scott, Esquire
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Dated:

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