



Agenda Date: 6/17/15
Agenda Item: 7B

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

DERECK DILLARD AND SUSAN CARMEN)	ORDER ADOPTING
Petitioners)	INITIAL DECISION
)	
v.)	
)	
PUBLIC SERVICE ELECTRIC AND GAS COMPANY)	BPU DKT NO. EC14010109U
Respondent)	OAL DKT NO. PUC 07751-14

Parties of Record:

Dereck Dillard and Susan Carmen, appearing pro se¹
Sheree Kelly, Esq., on behalf of respondent, Public Service Electric and Gas Company

BY THE BOARD:²

On January 30, 2014, Dereck Dillard ("Petitioner") filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to a billing dispute with Public Service Electric & 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.

On August 27, 2014, the petition was amended to include Susan Carmen as an additional petitioner (collectively, "Petitioners"). A pre-hearing conference was held on October 27, 2014. Several status conferences were held thereafter. On February 27, 2015, Petitioners filed a motion to have counsel removed. Mr. Levine did not object to being removed as counsel. A status conference was held on March 9, 2015 where the hearing was scheduled for June 2, 2015.

¹ Petitioners had been represented by Seth Levine, Esq.

² Commissioner Upendra J. Chivukula recused himself due to a potential conflict of interest and as such took no part in the discussion or deliberation of this matter.

The matter then proceeded to hearing, during which Mr. Dillard agreed to voluntarily withdraw his petition. The following is an excerpt from the June 2, 2015 hearing:

JUDGE MOSS: Mr. Dillard, Ms. Kelly said that the matter is going to be dismissed with prejudice going up until the date that the petition was filed. Correct, Ms. Kelly?

MS. KELLY: Yes. That's correct. That's my understanding.

JUDGE MOSS: Is that your understanding, Mr. Dillard?

MR. DILLARD: Yes, Your Honor.

JUDGE MOSS: And are you doing this voluntarily?

MR. DILLARD: Voluntarily.

[1T4:23-5:9]

On June 2, 2015, ALJ Moss issued an Initial Decision finding that the matter was no longer a contested case and ordered that Petitioners' petition be dismissed with prejudice.

Pursuant to N.J.A.C. 1:1-19.2(a), "a party may withdraw a request for a hearing . . . by notifying the judge and all parties." After this notification is received, the ALJ "shall discontinue all proceedings" and "[i]f the judge deems it advisable . . . the judge may enter an initial decision memorializing the withdrawal and returning the matter to the transmitting agency for appropriate disposition." Ibid.

After review of the record in this matter, including Mr. Dillard's statement at the June 2, 2015 hearing voluntarily withdrawing the petition, the Board **HEREBY FINDS** Petitioners' petition was withdrawn. Accordingly, the Board **HEREBY ACCEPTS** the findings of fact and conclusions of law contained in the Initial Decision and **DISMISSES** the petition.

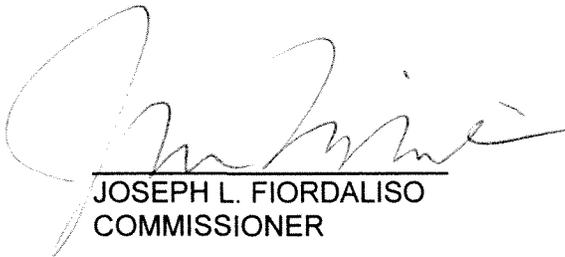
The effective date of this Order shall be June 26, 2015.

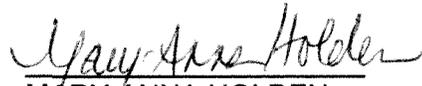
DATED:

June 18, 2015

BOARD OF PUBLIC UTILITIES
BY:

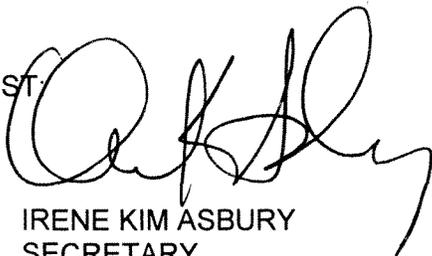

RICHARD S. MROZ
PRESIDENT


JOSEPH L. FIORDALISO
COMMISSIONER

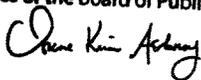

MARY-ANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
COMMISSIONER

ATTEST:


IRENE KIM ASBURY
SECRETARY

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



DERECK DILLARD AND SUSAN CARMEN, PETITIONERS

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY, RESPONDENT

BPU DOCKET NO. EC14010109U

OAL DOCKET NO. PUC 07751-14

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JUN 12 2015
BOARD OF PUBLIC UTILITIES

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

DISMISSAL

OAL DKT. NO. PUC 07751-14

AGENCY DKT NO. EC14010109U

Case No. 15-015
Case No. 15-015

DERECK DILLARD AND SUSAN CARMEN

Petitioner,

v.

PUBLIC SERVICE ELECTRIC AND GAS

COMPANY,

Respondent.

Derreck Dillard, pro se

Shree Kelly, Esq. appearing on behalf of respondent

Record Closed: June 1, 2015

Decided: June 2, 2015

BEFORE KIMBERLY A. MOSS, ALJ:

CMS
V. Haynes
D. Lee Thomas
J. Debrose
E. Hartsfield
J. Ford
R. Lambert
E. Bestow
J. Gertsman
DAG

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioner Derreck Dillard (Dillard or Petitioner) filed a complaint before the Board of Public Utilities (BPU) disputing the billing charges of Public Service Electric and Gas (PSE&G) for gas and electrical service.

On June 23, 2014, 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. On August 27, 2014, the petition was amended to include Susan Carmen as an additional petitioner. At that time petitioners were represented by Seth Levine, Esq. A pre-hearing conference was held on October 27, 2014. Several status conferences were held. On February 27, 2015, petitioners filed a motion to have his counsel removed. Mr. Levine did not object to being removed as counsel for petitioners. A status conference was held on March 9, 2015 where the hearing was scheduled for June 2, 2015.

FACTUAL DISCUSSION

I **FIND** the following **FACT**:

During the pendency of the June 2, 2015 hearing petitioners withdrew their petition with prejudice on the record.

CONCLUSION AND ORDER

This matter is no longer a contested case before the OAL. I **CONCLUDE** that this matter has been rendered moot by petitioner's withdrawal of the petition with prejudice.

It is **ORDERED** that the above matter is hereby **DISMISSED** with prejudice.

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.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **SECRETARY OF THE BOARD OF PUBLIC UTILITIES, 44 South Clinton Avenue, P.O. Box 350, Trenton, NJ 08625-0350**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

June 2, 2015



DATE

KIMBERLY A. MOSS, ALJ

Date Received at Agency:

Date Mailed to Parties:

ljb

OAL DKT. NO. PUC 07751-14