



Agenda Date: 7/22/15
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

KAREN ROBINSON,
Petitioner

v.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY
Respondent

ORDER OF EXTENSION

BPU DOCKET NO. EC13080722U
OAL DOCKET NO. PUC 13473-13

(SERVICE LIST ATTACHED)

The Initial Decision of the Administrative Law Judge was received by the Board of Public Utilities (Board) on June 18, 2015; therefore the 45-day statutory period for review and the issuing of a Final Decision will expire on August 3, 2015. Prior to that date, the Board requests an additional 45-day extension of time for issuing the Final Decision in order that the record may be adequately reviewed.

Good cause having been shown, pursuant to N.J.S.A. 52:14B-10(c) and N.J.A.C. 1:1-18.8, **IT IS ORDERED** that the time limit for the Board to issue a Final Decision is extended until September 17, 2015.

DATED: July 23, 2015

BOARD OF PUBLIC UTILITIES
BY:¹

RICHARD S. MROZ
PRESIDENT

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

Irene Kim Asbury

¹ Authorized by Board to execute this Order of Extension on its behalf. 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.

Date Board mailed Order to OAL: 7/23/15

cc: Service List Attached

DATED: 7/24/15



LAURA SANDERS, ACTING
DIRECTOR & CHIEF
ADMINISTRATIVE LAW JUDGE

Date OAL mailed executed Order to Board: 7/24/15

Date Board mailed executed Order to Parties: 7/24/15

KAREN ROBINSON

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU DOCKET NO. EC13080722U

OAL DOCKET NO. PUC13473-13

SERVICE LIST

Karen Robinson
46 Gilbert Avenue
Deptford, New Jersey 08093

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
Division of Customer Assistance
Board of Public Utilities
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Alexander C. Stern, Esq.
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Newark, New Jersey 07102-4194

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Division of Law
124 Halsey Street
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Newark, New Jersey 07101-45029



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

1.3.13
case management

INITIAL DECISION

OAL DKT. NO. PUC 13473-13

AGENCY DKT. NO. EC13080722U

KAREN ROBINSON,

Petitioner,

v.

**PUBLIC SERVICE ELECTRIC AND
GAS COMPANY BILLING DISPUTE,**

Respondent.

Karen Robinson, petitioner, appearing pro se

Alexander C. Stern, Esq., appearing on behalf of respondent Public Service
Electric and Gas Services Corporation

Record Closed: August 12, 2014

Decided: June 18, 2015

BEFORE ELIA A. PELIOS, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Karen Robinson (petitioner) challenges the amount owed to Public Service Electric and Gas (PSE&G or respondent) for electric and gas service, claiming it is too

high. Petitioner filed her petition with the Board of Public Utilities on August 12, 2013. Respondent filed an answer on September 4, 2013. The matter was transferred to the Office of Administrative Law (OAL) for hearing as a contested case on September 20, 2013. The matter was scheduled and a hearing was held on July 9, 2014. The record was held open so the parties could submit supplemental documentation and argument regarding the issue of petitioner's bankruptcy. The record closed on August 12, 2014 and orders were entered in this matter to allow for the extension of time in which to file the initial decision.

FACTUAL DISCUSSION AND FINDINGS

James Walsh testified on behalf of the respondent. He has been employed by PSE&G for thirty-six years. He is currently employed as senior customer relations consultant. He is familiar with the complaint filed in this matter. The complaint was due to high electric bills. Mr. Walsh performed the investigation.

Mr. Walsh went through the account dating all the way back to 2006. He prepared a spreadsheet documenting consumption, payment and running balance on the account. He noted that petitioner's meter was removed and tested for accuracy on November 27, 2013 and a report was issued on December 4, 2013. The test reflected that the meter was 96.81% accurate. This means that the meter tested slow. The Board of Public Utilities (BPU) window mandates 98% to 102% accuracy and therefore the customer's meter was deemed inaccurate. Since the meter was slow it should have captured more usage which was not being billed to the customer. Subsequently the meter was replaced.

Mr. Walsh also reviewed statement of petitioner's account covering the period July 6, 2006 through June 2, 2014. As of June 2, 2014 a balance due and owing on the account was \$14,277.06. As the customer assistance payments coupled with the customer payments were not covering the balance it was therefore incumbent upon the customer to make-up the payment. Petitioner's last payment was made in July of 2013 in the amount of \$100. No other payments have been received since. A new gas meter was installed in November of 2011 and a new electric meter was installed in November

of 2013 each of which performed an electronic radio transmission reading. When a meter is pulled it is brought to testing facility where tests are performed on-site.

On cross-examination Mr. Walsh acknowledged that bills are still sent during bankruptcy. When final bankruptcy judgment is issued a new account is started. No bankruptcy was reflected pursuant to the current account. It was noted that if the bankruptcy was documented the account would be zeroed out as of the date of the judgment. In other words \$2318.68 would be written off if there was a bankruptcy judgment issued for July of 2007.

Petitioner Karen Robinson testified on her behalf. She described her home as being dark indicating that the television is only on when they are in the room watching. Nothing is ever on. No lights are on if someone is not in the room. She believes his condition is bad for her health and she has had two heart attacks which she attributes to the heat. While she would love to resolve the matter with PSE&G, until a settlement in a different lawsuit goes through she will not be able to provide payment. She is hopeful though that the settlement in that lawsuit will provide funds with which she can settle her account with public service.

Petitioner's husband Frederick Robinson also testified. He stated that he and his wife know that they have not been good paying customers. He promised that they would do their best to seek assistance to make payment and to keep usage down. He noted that they have caught-up on other bills. Their limited income only goes so far with their household of seven people. He acknowledges being in the wrong in this matter but also believes that the company is in the wrong.

The parties also disputed whether petitioner filed for bankruptcy effective July of 2006 or July of 2007. After the hearing both parties submitted documentation which reflects, and I **FIND** that petitioner filed for bankruptcy in July of 2006 and the bankruptcy was discharged on or about October 13, 2006. It is further apparent from the documentation and I further **FIND** that PSE&G zeroed out petitioner's account on July 6, 2006 and the balance only reflects amounts accrued after the bankruptcy.

LEGAL ANALYSIS AND CONCLUSIONS

In an administrative proceeding, the petitioner bears the burden of proof by a preponderance of the competent, credible evidence as to those matters which are justiciable before the OAL. Atkinson v. Parsekian, 37 N.J. 143 (1962). Evidence is found to preponderate if it establishes the reasonable probability of the facts alleged and generates reliable belief that the tended hypothesis, in all human likelihood, is true. See, Loew v. Union Beach, 56 N.J. Super. 93, 104 (App. Div.) cert. denied, 31 N.J. 75 (1959).

In the present matter, petitioner does not dispute that payment has not been make up to date, and offers no proof that the that the old or new meters were over charging her, beyond her and her husband's own disbelief of the readings made.

Respondent has demonstrated that the meters in question either were accurate or, in the case of the earlier meter, was inaccurate in favor of the petitioner, and that petitioner's account was zeroed at the time of her bankruptcy and has only accrued forward from that point.

Absent any competent evidence challenging the accuracy of the meters or disputing the tests or methods employed by the respondent, I am constrained to **CONCLUDE** that petitioner has not met her burden of proof in demonstrating that PSE&G has been erroneous in its billing to her account.

ORDER

Based on the foregoing, petitioner has not met the burden of proof as to her billing dispute and her appeal is **DISMISSED**.

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 18, 2015 _____

DATE



ELIA A. PELIOS, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

/mel

WITNESSES

For Petitioner:

Karen Robinson
Fredrick Robinson

For Respondent:

James Walsh

EXHIBITS

For Petitioner:

None

For Respondent:

R-1 Results of Meter Test
R-2 Statement of Account