



Agenda Date: 8/24/16
Agenda Item: VIIC

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CUSTOMER ASSISTANCE

ANTHONY AND LINDA LASPINA)	ORDER REJECTING
Petitioners)	INITIAL DECISION
)	
v.)	
)	
JERSEY CENTRAL POWER & LIGHT)	BPU Docket No. EC15091077U
Respondent)	OAL Docket No. PUC 01722-16S

Parties of Record:

Anthony and Linda LaSpina, Petitioners
Gabrielle A. Figueroa, Esq., for Respondent, Jersey Central Power & Light Company

BY THE BOARD:

On September 15, 2015, Anthony and Linda LaSpina ("Petitioners") filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to a billing dispute with Jersey Central Power & Light ("JCP&L" or "Respondent") for electric 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") Dean J. Buono.

While the matter was pending at the OAL, the parties agreed to resolve the matter on June 3, 2016 (the "settlement") prior to the commencement of a formal hearing. Thereafter, the parties filed a Certificate of Withdrawal with Prejudice ("Certificate") with the Office of Administrative Law. The Certificate was signed by the Petitioners on June 9, 2016 and by the Respondent on June 14, 2016. The Certificate provided as follows:

IT IS **HEREBY AGREED**, by and between the undersigned, without admitting or denying by any party that there is, or has been any liability of either party to the other party or any violation of any rule, regulation or provision of law in connection with the matter under dispute, that this action, and all claims stated therein, be, and hereby are, withdrawn with prejudice and without any further costs to any party and that this matter should be marked "Withdrawn and Closed with Prejudice" on the dockets of the Office of Administrative Law and the New Jersey Board of Public Utilities.

By Initial Decision issued on July 14, 2016, and submitted to the Board on July 25, 2016, ALJ Buono found that the settlement was voluntarily agreed to, as evidenced by signatures, and that

its terms fully disposed of all issues in controversy and is consistent with the law. But the Initial Decision did not attach or discuss the terms of the settlement.

N.J.A.C. 1:1-19.1 provides, in pertinent part, that:

- (a) Where the parties to a case wish to settle the matter, and the transmitting agency is not a party, the judge shall require the parties to disclose the full settlement terms:
1. In writing, by consent order or stipulation signed by all parties or their attorneys; or
 2. Orally, by the parties or their parties or their representatives.

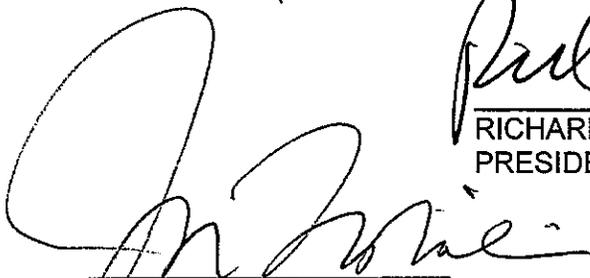
N.J.A.C. 1:1-19.1(a) requires full disclosure of the settlement terms. The Initial Decision does not discuss the settlement terms. Accordingly, the Board **FINDS** that there is no settlement document before the Board which contains specific terms and conditions, as contemplated by N.J.A.C. 1:1-19.1(a). The Board further **FINDS** that there is no evidence in the record under which the Board can accept the ALJ's conclusion that the provisions of N.J.A.C. 1:1-19.1 have been met. As a result, the Board **HEREBY REJECTS** the conclusion of the ALJ as set out in the Initial Decision and **REJECTS** the Initial Decision.

Notwithstanding, the Board will consider this matter to be closed. As stated previously, the Certificate attached to the Initial Decision indicates the intention of Petitioners to withdraw their petition with prejudice. The Board **FINDS** that the Certificate, by its terms, provides this actionable matter under dispute, and all claims therein, are withdrawn and closed. Thus, the Board **FINDS** the petition is **WITHDRAWN** with prejudice.

The effective date of this Order is September 3, 2016.

DATED: 8/29/16

BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
COMMISSIONER



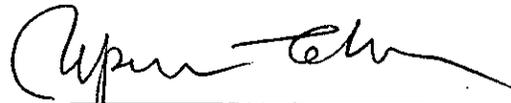
RICHARD S. MROZ
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



DIANNE SOLOMON
COMMISSIONER



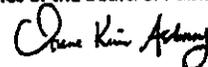
UPENDRA J. CHIVUKULA
COMMISSIONER

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



**IN THE MATTER OF ANTHONY AND LINDA LASPINA, PETITIONERS V. JERSEY
CENTRAL POWER & LIGHT COMPANY, RESPONDENT – BILLING DISPUTE**

**BPU DOCKET NO. EC15091077U
OAL DOCKET NO. PUC 01722-2016 S**

SERVICE LIST

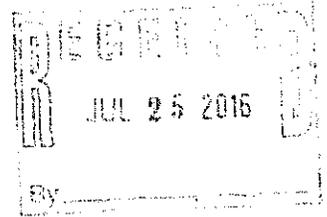
Anthony and Linda LaSpina
215 Canterbury Court
Hightstown, New Jersey 08520

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Windels Marx Lane & Mittendorf, LLP
One Giralda Farms
Madison, New Jersey 07940
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RECEIVED State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

JUL 25 2016

BOARD OF PUBLIC UTILITIES
MAIL ROOM

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 01722-16

AGENCY DKT. NO. EC15091077U

ANTHONY AND LINDA LASPINA,

Petitioners,

v.

JERSEY CENTRAL POWER & LIGHT

COMPANY,

Respondent.

RECEIVED

JUL 25 2016

BOARD OF PUBLIC UTILITIES
MAIL ROOM

Anthony and Linda LaSpina, petitioners, pro se

**Gabrielle A. Figueroa, Esq., for respondent (Windels, Marx, Lane & Mitterndorf,
L.L.C., attorneys)**

Record Closed: June 3, 2016

Decided: July 14, 2016

BEFORE DEAN J. BUONO, ALJ:

This matter was filed with the Office of Administrative Law (OAL) on February 2, 2016, for determination 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.

The parties agreed to a settlement of all issues in dispute and have prepared a

OAL DKT. NO. PUC 01722-16

Settlement Agreement (J-1), which is attached and fully incorporated herein.

I have reviewed the record and the terms of settlement and I FIND:

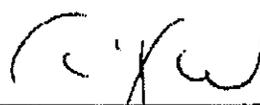
1. The parties have voluntarily agreed to the settlement as evidenced by their signatures or their representatives' signatures.
2. The settlement fully disposes of all issues in controversy and is consistent with the law.

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.

7/19/16
DATE


DEAN J. BUONO, ALJ

Date Received at Agency: 7/25/16

Date Mailed to Parties: _____

/dm

APPENDIX

LIST OF EXHIBITS

Jointly Submitted:

J-1 Settlement Agreement, received by the Office of Administrative Law on
July 12, 2016

**WINDELS
MARX** | Windels
Marx
Lane &
Mittendorf, LLP

windelsmarx.com

Gabriele A. Figueroa
973.966.3214
gfigueroa@windelsmarx.com

One Giralda Farms | Madison, NJ 07940
T. 973.966.3200 | F. 973.966.3250

July 6, 2016

VIA REGULAR U.S. MAIL

The Honorable Dean J. Buono
Administrative Law Judge
Office of Administrative Law
P.O. Box 049
Trenton, New Jersey 08625-0049

RECEIVED
JUL 12 AM 11:10

Re: **In the Matter of ANTHONY and LINDA LaSPINA v. Jersey Central
Power & Light Company (Billing Dispute)
BPU Docket No. EC15091077U
OAL Docket No. PUC 18212-2015S**

Dear Judge Buono:

As Your Honor knows, this office represents Jersey Central Power & Light Company ("JCP&L") in the above-referenced matter. As you are aware, the parties resolved their dispute through agreement on June 3, 2016, prior to the commencement of a formal hearing, which includes Petitioners' withdrawal of the Petition with prejudice as reflected in an executed Certificate of Withdrawal with Prejudice (the "*Certificate*"). Accordingly, I am herewith providing two (2) original and two (2) executed hard copies of the Certificate so that this matter can be marked "Withdrawn and Closed with Prejudice" and, consequently, considered as "Closed" on the above-referenced dockets of the Office of Administrative Law ("*OAL*") and the New Jersey Board of Public Utilities (the "*Board*"), respectively. I am also enclosing a copy of the signed letter memorializing the settlement agreement which was entered on the record before Your Honor (the "*Settlement Letter*") to be included in the closed file.

Unless I hear from Your Honor's office otherwise, I will assume that: (i) Your Honor will address the closing of the OAL docket with the OAL clerk's office, and (ii) the OAL will return the file of this matter to the Board indicating that the Petition has been withdrawn and the matter closed and that there will be no need for the parties to participate in a hearing on this matter.

I would appreciate it if Your Honor's office would return a time stamped and dated copy of this letter and two (2) of the Certificates (one (1) original and one (1) copy) to me in the self-

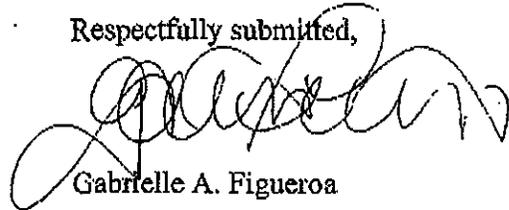
**WINDELS
MARX** | Windels
Marx
Lane &
Mittendorf, LLP

Honorable Dean J. Buono
July 6, 2016
Page 2

addressed stamped envelope. If Your Honor has any questions, please have Your Honor's office contact me (at the number listed above) and Mr. and Mrs. LaSpina (at 848-250-0789 or 609-752-4291), who are copied on this correspondence.

Thank you for Your Honor's courtesies and assistance in this matter.

Respectfully submitted,



Gabrielle A. Figueroa

Attachments

cc: Ms. K. Kehr, JCP&L (via electronic mail only)

Mr. and Mrs. Anthony and Linda LaSpina (via regular mail only)
215 Canterbury Court
Hightstown, NJ 08520

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

ANTHONY and LINDA LaSPINA,
PETITIONERS

: BPU Docket No. EC15091077U
: OAL Docket No. PUC 01722-2016 S

v.

JERSEY CENTRAL POWER & LIGHT
COMPANY,

CERTIFICATE OF
WITHDRAWAL
WITH PREJUDICE

RESPONDENT

Billing Dispute

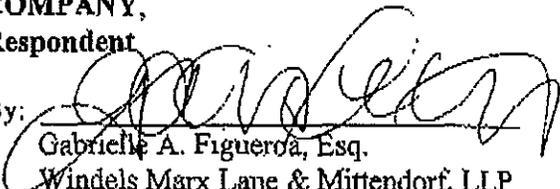
2016 JUN 12 2 18 19

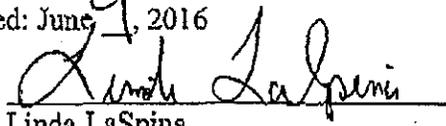
IT IS HEREBY AGREED, by and between the undersigned, without admitting or denying by any party that there is, or has been any liability of either party to the other party or any violation of any rule, regulation or provision of law in connection with the matter under dispute, that this action, and all claims stated therein, be, and hereby are, withdrawn with prejudice and without any further costs to any party and that this matter should be marked "*Withdrawn and Closed with Prejudice*" on the dockets of the Office of Administrative Law and the New Jersey Board of Public Utilities.

ANTHONY and LINDA LaSPINA,
Petitioners

JERSEY CENTRAL POWER & LIGHT
COMPANY,
Respondent

By: 
Anthony LaSpina
215 Canterbury Court
Hightstown, New Jersey 08520

By: 
Gabrielle A. Figueroa, Esq.
Windels Marx Lane & Mittendorf, LLP
Attorneys for Jersey Central Power &
Light Company
One Giralda Farms
Madison, New Jersey 09740

Dated: June 9, 2016
By: 
Linda LaSpina
215 Canterbury Court
Hightstown, New Jersey 08520

Dated: June 9, 2016

Dated: June 14, 2016