



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

MANKAPO R. DAVIS,
Petitioner,

v.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY,
Respondent.

ORDER OF EXTENSION

BPU DOCKET NO. EC15111293U
OAL DOCKET NO. PUC 02088-16

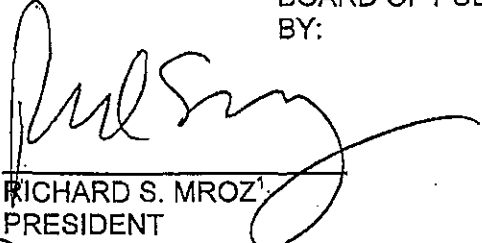
(SERVICE LIST ATTACHED)


The Initial Decision of the Administrative Law Judge was received by the Board of Public Utilities (Board) on August 25, 2016; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on October 9, 2016. Prior to that date, the Board requests an additional 45-day extension of time for issuing the Final Decision in order to adequately review the record in this matter.

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 render a Final Decision is extended until November 23, 2016.

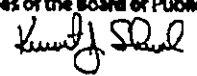
DATED: 9/23/16

BOARD OF PUBLIC UTILITIES
BY:


RICHARD S. MROZ¹
PRESIDENT

ATTEST: 
KENNETH J. SHEEHAN
ACTING SECRETARY


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

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


Date Board mailed Order to OAL: 9/26/16

cc: Service List Attached

DATED: 9/27/16


LAURA SANDERS, ACTING
DIRECTOR & CHIEF
ADMINISTRATIVE LAW JUDGE

Date OAL mailed executed Order to Board: 9/27/16

Date Board mailed executed Order to Parties: 9/28/16

IN THE MATTER OF MANKAPO R. DAVIS, PETITIONER V. PUBLIC SERVICE ELECTRIC
AND GAS COMPANY, RESPONDENT

BPU DOCKET NO. EC15111293U
OAL DOCKET NO. PUC 02088-16

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State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

REC'D
AUG 25 2016

INITIAL DECISION

OAL DKT. NO. PUC 02088-16

AGENCY DKT. NO. EC15111293U

MANKAPO R. DAVIS,

Petitioner,

v.

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

Respondent.

Mankapo R. Davis, petitioner, pro se

Alexander C. Stern, Esq., for respondent

Record Closed: July 11, 2016

Decided: August 25, 2016

BEFORE PATRICIA M. KERINS, ALJ:

Chs
V. Haynes
D. Lee Thomas
E. Hartsfield
J. Ford
C. Jordan
R. Lambert
J. Gentsman
C. Vequier

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioner Mankapo R. Davis (Davis) disputes billing by Public Service Electric and Gas Co. (Public Service) for electric service at his residence in Trenton, New Jersey. By letter of October 1, 2015, Davis filed a petition with the Board of Public Utilities (Board). On December 9, 2015, respondent filed an Answer to the petition and

on February 5, 2016, the matter was transmitted to the Office of Administrative Law (OAL) for a hearing as a contested case. A telephone conference was held on March 30, 2016, and the matter was scheduled for hearing on June 9, 2016. After that date was adjourned at the request of respondent, with the consent of petitioner, the matter was heard on July 11, 2016, at the OAL in Mercerville, New Jersey. The record closed on that date.

FACTUAL DISCUSSION

In this matter Davis disputes the amount billed by respondent for electric services at his home at 844 Carteret Avenue, Trenton, New Jersey. On October 1, 2015, he filed a petition with the BPU disputing the amount of \$1,921 billed by Public Service for the October 2014 through June 2015 billing periods. At the hearing the parties agreed that the matter in dispute is \$1,760.68 after Public Service deducted the amount it had assessed for costs of investigation Public Service then presented the testimony of Jim Walsh, a Senior Customer Relations Officer and entered Exhibits 1-4 in evidence. In response, Davis testified on his own behalf and did not submit documentary evidence.

Walsh has worked for Public Service for thirty years in a variety of positions. He stated that its records showed that Public Service staff became aware of a non-registering electric meter at Davis' home. Records showed that the meter had not registered usage for the October 2014 through June 2015 billing periods. The Revenue Integrity Department investigated and staff replaced the meter and examined it. When the meter was examined it was discovered that someone had broken the seal on the meter and placed a foreign object in the meter causing it not to register usage. A photo of the meter (R-1) shows that a stick had been placed in a position in the meter to prevent it from operating properly and registering usage. A separate account was then initiated at Public Service to account for the period when electric usage was not registering on the meter and estimated readings for that time period were billed to that account (R-4) resulting in the disputed amount of \$1,760.68. Walsh testified that pursuant to Section 7.4 of Public Service's Tariff (R-2), prior usage on the account, taking into account relevant weather conditions, was used to prepare the estimated usage and resulting billing.

In response, and in support of his petition, Davis testified on his own behalf. He disputed Walsh's testimony saying that the photo of the replaced meter did not look like a meter. He asserted that Public Service had not proved its case and that the meter should have been replaced or inspected prior to June 2015 if it was not functioning properly. He described the estimated billing as a miscarriage of justice. Under questioning he admitted that he had been residing continuously at the address in question for decades and did not have a break in electric service during the period in question. He admitted receiving his utility bills during the period in question but denied noticing that he was not being billed for the electricity provided to his home. He presented no further evidence either documentary or testimonial.

In reviewing the evidence I found Walsh to be a credible witness. He was direct and articulate and described Public Service's investigation, findings and relevant records in detail. Davis was not credible when he said he was unaware that he was not being billed for the electric services he was receiving. He admittedly was residing in the home and receiving electric services and the bills he reviewed clearly showed he was not being billed for those services.

LEGAL DISCUSSION AND CONCLUSION

BPU regulations provide that a customer is responsible for payment of utility services provided during a period in which a meter was tampered. N.J.A.C. 14:3-4.6(d) (e). That provision is incorporated in Public Service's Tariff for Electric Service at Sections 7.3 and 7.4. The credible evidence presented by respondent at the hearing showed that the meter at Davis' home was not registering electric usage during the billing period in question. It further showed that the meter showed signs of tampering, specifically that a stick had been placed within the meter to prevent it from functioning properly. Davis presented no proof that he did not receive electric service at his home during that period. Nor did he present evidence that the estimated usage billed to him for that period was calculated improperly.

Based on the above, Davis' petition must be **DENIED** and he is liable to Public Service in the amount of \$1,760.68 for the period in question.

ORDER

Petitioner Davis' request for relief is **DENIED** and he is liable to respondent Public Service Electric and Gas in the amount of \$1,760.68 for electric services billed for the period of the non-registering electric meter at 844 Carteret Avenue, Trenton, New Jersey.

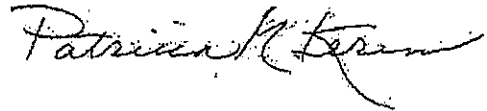
I hereby **FILE** my initial decision with the **BOARD OF PUBLIC UTILITIES** for consideration.

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.

August 25, 2016

DATE



PATRICIA M. KERINS, ALJ

Date Received at Agency:

August 25, 2016 (emailed)

Date Mailed to Parties:

PMK/mel

LIST OF WITNESSES

For Petitioner:

Mankapo Davis

For Respondent:

Jim Walsh

LIST OF EXHIBITS

For Petitioner:

None

For Respondent:

- R-1 Picture of Meter
- R-2 Document Showing Meter Reading
- R-3 Tariff for Electric Service
- R-4 Statement of Electric and Gas Consumption for 844 Carteret Avenue,
Trenton, NJ