



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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/

Irene Kim Asbury
Secretary to the Board
Tel. # (609) 292-1599

April 11, 2017

To the Service List:

Re: Docket Nos. BPU EC15080973U and OAL PUC 18309-15 – In the Matter of Jose Vega, Petitioner v. Atlantic City Electric Company, Respondent – Request for Extension
Agenda Date: March 24, 2017 – Agenda Item: VIIC

Attached is the corrected copy of the Board's Order dated March 24, 2017 in the above noted matter, correcting a docket number in the caption on page one.

The correct docket number is "EC15080973U" and not "EC1508073U." This is the only correction, and all other parts of the above mentioned matter and corresponding order that was before the Board at its March 24, 2017 agenda meeting remain the same.

Sincerely,

A handwritten signature in black ink, appearing to be "Irene Kim Asbury", written over a circular stamp or seal.

Irene Kim Asbury
Secretary of the Board

/ac
enclosure

JOSE VEGA

V.

**ATLANTIC CITY ELECTRIC COMPMA
BPU DOCKET NO. EC15080973U
OAL DOCKET NO. PUC 18309-15**

SERVICE LIST

Jose A. Vega
125 Meerwald Road
Cape May Courthouse, NJ 08210

Pamela J. Scott, Esq.
Assistant General Counsel
Atlantic City Electric Company
550 N. Wakefield Drive
Newark, DE 19702
pjscott@pepcoholdings.com

Eric Hartsfield, Director
Division of Customer Assistance
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
Eric.hartsfield@bpu.nj.gov

Julie Ford-Williams, Chief
Division of Customer Assistance
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
Julie.ford@bpu.nj.gov

Veronica Beke, Esq.
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, NJ 07101-45029
Veronica.Beke@dol.lps.state.nj.us

Date Board mailed Order to OAL: 3/27/2017

cc: Service List Attached



DATED: 3/31/17

LAURA SANDERS, ACTING
DIRECTOR & CHIEF
ADMINISTRATIVE LAW JUDGE

Date OAL mailed executed Order to Board: 3/31/17

Date Board mailed executed Order to Parties: 4/6/17

JOSE VEGA

V.

**ATLANTIC CITY ELECTRIC COMPMA
BPU DOCKET NO. EC15080973U
OAL DOCKET NO. PUC 18309-15**

SERVICE LIST

Jose A. Vega
125 Meerwald Road
Cape May Courthouse, NJ 08210

Pamela J. Scott, Esq.
Assistant General Counsel
Atlantic City Electric Company
550 N. Wakefield Drive
Newark, DE 19702
plscott@pepcoholdings.com

Eric Hartsfield, Director
Division of Customer Assistance
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
Eric.hartsfield@bpu.nj.gov

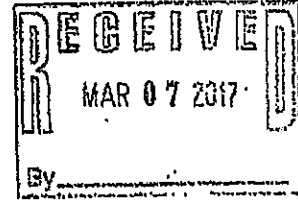
Julie Ford-Williams, Chief
Division of Customer Assistance
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, NJ 08625-0350
Julie.ford@bpu.nj.gov

Veronica Beke, Esq.,
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, NJ 07101-45029
Veronica.Beke@dol.lps.state.nj.us

BOARD OF PUBLIC UTILITIES

MAR 07 2017

MAIL RECEIVED



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. PUC 18309-15

AGENCY DKT. NO. EC15080973U

JOSE VEGA

Petitioner,

v.

ATLANTIC CITY ELECTRIC

COMPANY,

Respondent.

Jose Vega, petitioner, pro se

Pamela J. Scott, Esq., for respondent Atlantic City Electric Company

Record Closed: February 15, 2017

Decided: March 7, 2017

BEFORE JEFFREY R. WILSON, ALJ:

cms
v. Haynes
D. Lee Thomas
E. Hartsfield
J. Ford
H. Austerlitz
D. Gentsmen
B. Agee
C. Vachier

STATEMENT OF THE CASE

The petitioner, Jose Vega, filed a billing dispute against Atlantic City Electric Company (ACE) with the Board of Public Utilities (BPU). ACE supplied electric service to a rental property owned by the petitioner. Petitioner disputed the billing for the month of April 2015. Petitioner contends that the meter must be inaccurate because he has never received a bill this high in his history of owning the property.

PROCEDURAL HISTORY

On August 14, 2015, the petitioner requested a fair hearing, and the matter was transmitted to the Office of Administrative Law (OAL) where it was filed on November 10, 2015, to be heard as a contested case. N.J.S.A. 52:14B-1 to 15 and 14F-1 to 13. The matter was heard on February 15, 2017, and the record closed.

FACTUAL DISCUSSION AND FINDINGS

Having considered all the testimony and read all the documents, I FIND the following as FACT:

The subject property is a 3,200 square foot, single family home located on County Road in South Dennis, New Jersey. The petitioner purchased the property in 1995 and rented it out to the same tenant during the relevant period. ACE supplied electric service to the subject property. The kilowatt useage was monitored on Meter #349939263 (the Meter) and billed to the petitioner through Account #XXXX9043.

On April 30, 2015, ACE issued a bill to the petitioner in the amount of \$1,748.23 for the period of March 28, 2015, through April 28, 2015. This billing was based upon the usage of 9,684 kilowatts during the thirty-two day period. The Electric Supply Charges totaled \$1,044.14 and the Electric Delivery Charge was \$704.09. Due to adjustments made to the account for fluctuating payments, the actual amount due as of the day of this hearing was \$2,450.45.

At all relevant times, the petitioner rented the property to the same tenant. The tenant leased the property for approximately five years. The tenant never transferred the account to his name. The petitioner experienced many problems with the tenant including the unauthorized subletting of rooms and failure to maintain the property. The petitioner ultimately took legal action and had the tenant evicted. The petitioner never read the Meter at the subject premises.

The Meter was tested on two separate occasions by ACE. On February 28, 2011, the meter test revealed a Full Load reading of 100.03 percent, a Light Load reading of 100.03 percent with a Power Factor of 99.89 percent. This resulted in an average accuracy of 100.03 percent. On February 14, 2017, the meter test revealed a Full Load reading of 99.95 percent, a Light Load reading of 99.5 percent, with a Power Factor of 99.96 percent. This resulted in an average Accuracy of 99.952 percent.

Jose Vega testified that he had been a customer of the ACE for over twenty years. He zealously and eloquently voiced the frustrations he experienced in dealing with ACE. He contended that it was reasonable for him to dispute the billing and that he never received a logical explanation as to why the bill was so high.

LEGAL ANALYSIS AND CONCLUSION

In this administrative proceeding, the petitioner bears the burden of proof by a preponderance of the competent, credible evidence. 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 tendered hypothesis, in all human likelihood, is true. See Loew v. Union Beach, 56 N.J. Super. 93, 104 (App. Div.), certif. denied, 31 N.J. 75 (1959).

N.J.A.C. 14:5-4.3(a) provides:

No meter that has an error in registration of more than plus or minus two percent shall be placed in service or allowed to remain in service without adjustment.

N.J.A.C. 14:3-4.6(a) provides:

Whenever a meter is found to be registering fast by more than two percent, or in the case of water meters, more than one and one half percent, an adjustment of charges shall be made in accordance with this section. No adjustment shall be made if a meter is found to be registering less than 100 percent of the service provided, except under (d) below.

In this case, the Meter was tested on two separate occasions. On February 28, 2011, the average accuracy was 100.03 percent. On February 14, 2017, the average

accuracy was 99.952 percent. Being not more than two percent over or under 100 percent on both tests, I CONCLUDE the meter was accurate in accordance with the regulation.

Here, the petitioner provided no legally competent evidence to support the claim that the meter was inaccurate. I therefore CONCLUDE that the resulting billing was appropriate based upon the kilowatt usage for the period in dispute.

ORDER

It is therefore ORDERED that the relief sought by petitioner is DENIED and the action filed by petitioner is DISMISSED.

It is further ORDERED that the amount due to ACE by the petitioner as of the date of this hearing was \$2,450.45 which shall be paid forthwith.¹

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.

¹ The parties may enter into a repayment schedule pursuant to N.J.A.C. 14:3-7.7.

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.



March 7, 2017
DATE

JEFFREY R. WILSON, ALJ

Date Received at Agency:

Date Mailed to Parties:

JRW/dm

APPENDIX

LIST OF WITNESSES

For Petitioner:

Jose Vega

For Respondent:

Marianne Murphy

Robert Polk

LIST OF EXHIBITS

For Petitioner:

None

For Respondent:

- R-1 Customer Usage Statement
- R-2 Photocopies of Bills, February 2010, through January 2017
- R-3 Billing Statement, February 2015, through February 2017
- R-4 AMI Device Management – Meter Records Data base, dated February 28, 2011
- R-5 AMI Device Management – Meter Records Data base, dated February 14, 2017
- R-6 Photograph of Meter #349939263