



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

BIANCA CORTES,
Petitioner,

v.

SUEZ WATER NEW JERSEY, INC.,¹
Respondent.

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ORDER ADOPTING
INITIAL DECISION

BPU DOCKET NO. WC14030248U
OAL DOCKET NO. PUC 12097-16

Parties of Record:

Jonah B. Kimmelstein, Esq., on behalf of Petitioner, Bianca Cortes
John P. Wallace, Esq., on behalf of Respondent, SUEZ Water New Jersey, Inc.

BY THE BOARD:

PROCEDURAL HISTORY

By petition filed with the Board of Public Utilities ("Board") on March 18, 2014 ("Petition"), Bianca Cortes ("Petitioner" or "Ms. Cortes") disputed charges associated with water service on her residential account in Montvale, New Jersey by Suez Water New Jersey, Inc. ("Respondent" or the "Company"). On May 13, 2014, Respondent filed an answer with affirmative defenses. The petition was transmitted to the Office of Administrative Law (OAL) on September 11, 2014 for contested case hearing and assigned to Administrative Law Judge (ALJ) Leland S. McGee.

Following the evidentiary hearing held on December 17, 2015, the ALJ filed an Initial Decision with the Board on May 4, 2016. Petitioner filed exceptions to the Initial Decision on May 18, 2016. Respondent filed exceptions on May 20, 2016 and replies to Petitioner's exceptions on May 23, 2016. Pursuant to N.J.S.A. 52:14B-10(c), the Board issued an order on May 26, 2016 extending its time for issuing a final decision. On July 29, 2016, the Board adopted the Initial Decision, in part, and remanded the matter to the OAL for further findings of fact by way of a second evidentiary hearing pursuant to N.J.A.C. 1:1-18.7(a) and N.J.A.C. 1:1-18.1(3)(b). The matter was re-transmitted to the OAL on August 11, 2016 for contested case hearing. The ALJ thereafter scheduled a second evidentiary hearing for March 30, 2017.

¹ On January 27, 2016, United Water Inc. changed its operating name to SUEZ Water New Jersey, Inc.

While this matter was pending at the OAL prior to the hearing date, the parties engaged in negotiations and entered into a signed Stipulation of Settlement that was submitted to the ALJ. By Initial Decision issued on March 28, 2017 and submitted to the Board on March 30, 2017, to which the Stipulation was attached and made part thereof, ALJ McGee found that the Stipulation was voluntary, its terms fully disposed of all issues in controversy, and it satisfied the requirements of N.J.A.C. 1:1-19.1.

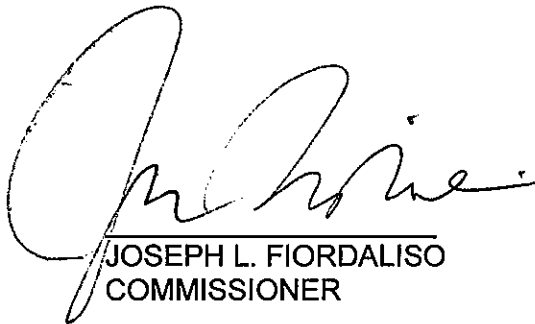
Pursuant to the terms of the Stipulation and in order to fully resolve this matter, the parties agreed to an outstanding balance of \$3,000.00 as due and owing on the account. This amount supersedes the disputed bill and constitutes a new, currently due billing amount. Respondent has agreed to accept \$3,000.00, reserving the right to collect \$6,737.25 in the event of a default. Petitioner has agreed to submit 24 monthly payment installments of \$125.00 to clear the balance due on the account and to maintain current payments on all future monthly usage charges, beginning on April 1, 2017.

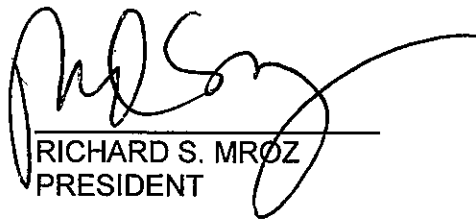
After review of the Initial Decision and the Stipulation, the Board **HEREBY FINDS** that the parties have voluntarily agreed to the settlement as evidenced by their signatures and that, by the terms of the Stipulation, they have fully resolved all outstanding contested issues in this matter. Accordingly, the Board **HEREBY ADOPTS** the Initial Decision and the Stipulation executed by the parties in their entirety as if fully set forth herein.

This order shall be effective May 1, 2017.

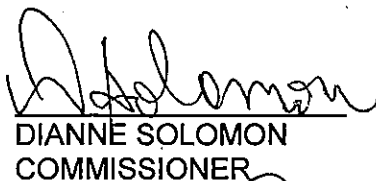
DATED: 4/21/17

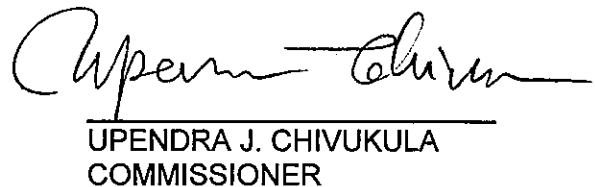
BOARD OF PUBLIC UTILITIES
BY:


JOSEPH L. FIORDALISO
COMMISSIONER

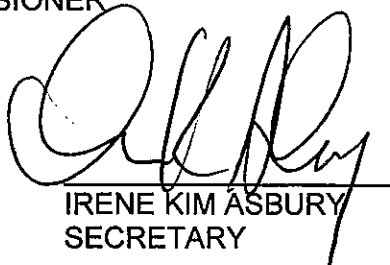

RICHARD S. MROZ
PRESIDENT


MARY-ANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
COMMISSIONER


UPENDRA J. CHIVUKULA
COMMISSIONER

ATTEST:


IRENE KIM ASBURY
SECRETARY

BIANCA CORTES

V.

**SUEZ WATER NEW JERSEY, INC.
BPU DOCKET NO. WC14030248U
OAL DOCKET NO. PUC 12097-16**

SERVICE LIST

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State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 12097-16

AGENCY DKT. NO. WC14030248U

ON REMAND PUC 07824-14

BIANCA CORTES,

Petitioner,

v.

UNITED WATER NEW JERSEY,

Respondent.

Jonah B. Kimmelstiel, Esq.

John P. Wallace, Esq., for respondent

Record Closed: March 28, 2017

Decided: March 28, 2017

BEFORE LELAND S. MCGEE, ALJ:

On August 11, 2016, 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. This matter was initially assigned to the undersigned under OAL Docket Number PUC 07824-14. The matter was remanded to OAL by the Board for further findings of fact to dispose of all issues in this case consistent with N.J.A.C. 1:1-18.1(3)(b). A hearing date was scheduled for March 30, 2017. Prior to the hearing date

Cms
V. Haynes
D. Lee Thomas
E. Hartsfield
J. Ford
R. Lambert
R. Matos
D. Brantley
J. Gertsman
B. Agee
C. Vachier

resolved all issues in dispute. A Settlement Agreement was prepared and executed indicating the terms of the agreement, which are incorporated herein by reference.

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 agreement or their representatives' agreement as set forth above.
2. The settlement fully disposes of all issues in controversy and is consistent with the law.

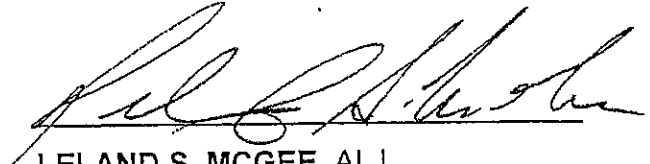
I **CONCLUDE** that this agreement meets the requirements of N.J.A.C. 1:1-19.1 and that the settlement should be approved. I approve the settlement and therefore **ORDER** that the parties comply with the settlement terms and that these proceedings be concluded.

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.

3/29/17

DATE


LELAND S. MCGEE, ALJ

Date Received at Agency:

Date Mailed to Parties:

ljb

Attachment

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JOHN WALLACE

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SETTLEMENT AGREEMENT

WHEREAS BIANCA CORTES (hereinafter "Customer") and SUEZ WATER NEW JERSEY, INC., formerly UNITED WATER NEW JERSEY (hereinafter "SWNJ") have agreed to a resolution of a dispute with respect to un-billed and unpaid charges for water consumption at premises at 31 Marion Drive, Montvale New Jersey 07645, Account # ~~99999999~~ 222, it is hereby agreed by said parties as follows:

1. Customer agrees to pay the total settlement sum of \$3,000.00 to SWNJ for the un-billed and unpaid water consumption provided to the premises at 31 Marion Drive, Montvale, New Jersey 07645, in full and final satisfaction of the disputed bill issued by SWNJ to Customer, dated October 6, 2012 copy of which is attached hereto as "EXHIBIT A".
2. This settlement agreement supersedes the disputed bill, and constitutes a new, currently due bill from SWNJ in the amount of the settlement sum. Payment in full shall be made in twenty-four equal installments of \$125.00 due on the 1st day of each month, commencing April 1st, 2017. Said payments will be in addition to payment of current water bills as issued by SWNJ, and settlement amount will be shown on the bills in addition to current charges. There will be no penalty for prepayment of the settlement amount.
3. SWNJ reserves the right to collect \$6,737.25 in the event that Customer defaults in making the settlement payments due per the settlement agreement.
4. Customer agrees to file voluntary dismissals of her petition against SWNJ filed and/or pending in the Office of Administrative Law under Docket Number PUC 11898-2014, and BPU Docket Number WC14030248U within seven (7) days of the date hereof.
5. This Settlement is not an acknowledgment of wrongdoing by either party.

DATED: March 24, 2017

Bianca Cortes
BIANCA CORTES

SUEZ WATER NEW JERSEY, INC.

DATED: March 27, 2017

by: [Signature]
ASSISTANT SECRETARY
BRYANT GONZALEZ