



Agenda Date: 8/23/17
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

JENNIFER WOOLF
Petitioner,

v.

JERSEY CENTRAL POWER & LIGHT COMPANY,
Respondent

ORDER OF EXTENSION

BPU DOCKET NO. EC16080759U
OAL DOCKET NO. PUC 14260-16

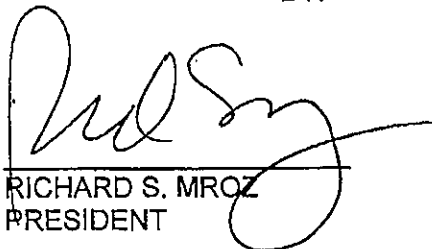
(SERVICE LIST ATTACHED)

The Initial Decision of the Administrative Law Judge was received by the Board of Public Utilities (Board) on August 7, 2017; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on September 21, 2017. 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.

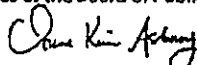
Good cause having been shown, pursuant to N.J.S.A. 52:14B-10(c) and N.J.A.C. 1:1-18.8, **IT IS ORDERED** that the time limit for the Board to render a Final Decision is extended until **November 5, 2017**.

DATED: 8/23/17

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


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

Date Board mailed Order to OAL: 8/24/17

cc: Service List Attached

DATED: 8/28/17



LAURA SANDERS, ACTING
DIRECTOR & CHIEF
ADMINISTRATIVE LAW JUDGE

Date OAL mailed executed Order to Board: 8/28/17

Date Board mailed executed Order to Parties: 8/29/17

JENNIFER WOOLF

V.

JERSEY CENTRAL POWER & LIGHT COMPANY
BPU DOCKET NO. EC16080759U
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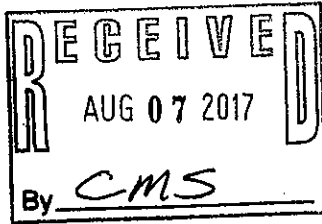
SERVICE LIST

Jennifer Woolf
207 Mercer Street
Phillipsburg, NJ 08865

Lauren M. Lepkoski
FirstEnergy Services Corp.
2800 Pottsville Pike
Post Office Box 16001
Reading, PA 19612-6001

Eric Hartsfield, Director
Julie Ford-Williams, Chief
Division of Customer Assistance
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Trenton, NJ 08625-0350
Eric.Hartsfield@bpu.state.nj.us
Julie.Ford@bpu.state.nj.us

Andrew Kuntz, Esq.
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, NJ 07101-45029
Andrew.Kuntz@law.njoag.gov



BOARD OF PUBLIC UTILITIES

AUG 07 2017

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

MAIL RECEIVED

INITIAL DECISION

OAL DKT. NO. PUC 14260-16

AGENCY DKT. NO. EC16080759U

JENNIFER WOOLF,

Petitioner,

v.

JERSEY CENTRAL POWER
& LIGHT COMPANY,

Respondent.

Jennifer Woolf, petitioner, pro se

Lauren M. Lepkoski, Esq., for respondent

Record Closed: June 22, 2017

Decided: August 7, 2017

BEFORE KELLY J. KIRK, ALJ:

STATEMENT OF THE CASE

This matter arises from a billing dispute between Jennifer Woolf and Jersey Central Power & Light Company (JCP&L).

CMS
B. Agee
DAG
Customer Assistance
V. HAYNES
D. LEE THOMAS
E. HARTSFIELD

J. FORD
R. MATOS
D. BRANTLEY
C. VACHIER

PROCEDURAL HISTORY

Petitioner, Jennifer Woolf, filed an undated letter (petition) with the Board of Public Utilities (Board), disputing her JCP&L bills. JCP&L filed an answer to the petition on August 31, 2016. The Board determined to treat the matter 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, and transmitted it to the Office of Administrative Law (OAL), where it was filed on September 22, 2016. The matter was heard on June 22, 2017, on which date the record closed.

FACTUAL DISCUSSION

Jennifer DeMarco Woolf testified on behalf of petitioner. Charles Howlett testified on behalf of respondent.

Preliminary Facts

Charles Howlett is a senior compliance specialist for JCP&L. Petitioner's bills reflect three issues: 1) the purchase of receivables; 2) an equal payment plan (EPP); and 3) an installment plan. With respect to the purchase of receivables, when an alternate supplier is involved, JCP&L sends the alternate supplier the meter reading and then the alternate supplier sends to JCP&L a "bill-ready bill" of what to charge the customer based on its contract with the customer. JCP&L immediately pays the alternate supplier and puts the alternate-supplier charge on the customer's bill. All collection activity and billing-related activity for the alternate supplier becomes the responsibility of JCP&L. With respect to the EPP, the customer's annual bill is divided over twelve months so there is a "levelized" bill each month, and one time per year the bill is "trued up," based on the annual review. With respect to the installment plan, the customer's arrears are put on a payment arrangement. If payment is not made pursuant to the installment plan, the payment arrangement would default and the installment-plan balance would be put back into arrears.

In July 2015, petitioner selected Respond Power as her electric supplier. By letter dated July 30, 2015, JCP&L notified petitioner that JCP&L had been notified that

petitioner had selected Respond Power, LLC, as her new electric-generation supplier for the New Jersey Energy Choice program, and further notified petitioner that she would receive one bill from JCP&L that would reflect JCP&L's charges and Respond Power's charges. Respond Power was to begin providing petitioner's electricity on her first scheduled meter-reading date after August 28, 2015. (R-3.)

By letter dated September 23, 2015, JCP&L notified petitioner that Respond Power had elected to end its contract with her on her first scheduled meter-reading date after October 29, 2015. (R-2.)

Petitioner's October 5, 2015, bill, for August 29, 2015, through September 30, 2015, reflects a JCP&L previous balance of \$788.37, a payment of \$788.37, and current charges of \$92, as well as Respond Power current charges of \$149.44, and no previous balance or payments/adjustments. (R-5.) Petitioner's actual account balance at that time was \$1,055.07, and the October 5, 2015, bill further reflects payments of \$100 and \$154 by petitioner, and the creation of an installment plan on September 23, 2015. The October 5, 2015, bill also reflects, as a JCP&L payment, petitioner's two payments and the installment-plan "payment," which "payment" was the amount of petitioner's previous balance less the \$100 and \$154 payments. (R-5.)

Petitioner's installment plan was deactivated on October 26, 2015. Petitioner's November 2, 2015, bill, for October 1, 2015, through October 28, 2015, reflects a JCP&L previous balance of \$92, adjustment of \$490.37, and current charges of \$48, as well as a Respond Power previous balance of \$149.44, no payments/adjustments, and current charges of \$79.17. The \$490.37 adjustment was for the deactivated installment plan. (R-5.)

On November 6, 2015, petitioner entered into another installment plan with JCP&L for payment of arrears. The \$758.98 was placed in deferred arrears pending monthly payments pursuant to the installment plan. However, in order to change the account status from default to deferred, JCP&L, on the promise to pay, updated petitioner's account to reflect the payment and removed petitioner from default status.

Petitioner's December 2, 2015, bill, for October 29, 2015, through November 30, 2015, reflects a JCP&L previous balance of \$630.37, payment of \$630.37, and current charges of \$388, as well as a Respond Power previous balance of \$228.61 (\$149.44 plus \$79.17), payment of \$228.61, and no current charges. The account summary reflects a credit of \$858.98, which was for a \$100 payment and \$758.98 for the installment plan. Petitioner's actual account balance at that time was \$1,249.72. The October 5, 2015, bill also reflects, as a JCP&L payment, petitioner's payment and the installment-plan "payment," which "payment" was the amount of petitioner's previous balance less the \$100 payment. (R-5.)

Petitioner failed to make the payment on the installment plan, and the installment plan was deactivated on December 23, 2015. Accordingly, petitioner's December 31, 2015, bill, for December 1, 2015, through December 29, 2015, reflects a JCP&L previous balance of \$388, adjustment of \$467.37, and current charges of \$325, as well as a Respond Power adjustment of \$228.61, and no previous balance or current charges. (R-5.)

Petitioner's February 2, 2016, bill, for December 30, 2015, through January 29, 2016, reflects a JCP&L previous balance of \$1,180.37, no payments/adjustments, and current charges of \$325, as well as a Respond Power previous balance of \$228.61, and no payments/adjustments or current charges. (R-5.)

Petitioner's March 2, 2016, bill, for January 30, 2016, through February 29, 2016, reflects a JCP&L previous balance of \$1,505.37, payment of \$500, and current charges of \$248.17, as well as a Respond Power previous balance of \$228.61, and no payments/adjustments or current charges. The March 2, 2016, bill also reflects that it was the "Annual Review" bill, and that the difference between the actual charges (\$248.17) and the EPP amount (\$325) was \$76.83. Petitioner made a payment of \$500 on February 2, 2016. (R-5.) Any payment made would go toward satisfaction of the oldest arrears, so the entire \$500 was applied toward the JCP&L previous balance, which was prior to Respond Power.

Petitioner's April 1, 2016, bill, for March 1, 2016, through March 30, 2016, reflects a JCP&L previous balance of \$1,253.54, no payments/adjustments, and current charges of \$256, as well as a Respond Power previous balance of \$228.61, and no payments/adjustments or current charges. (R-5.)

Petitioner's April 29, 2016, bill, for March 31, 2016, through April 27, 2016, reflects a JCP&L previous balance of \$1,586.37, no payments/adjustments, and current charges of \$256, as well as a Respond Power previous balance of \$151.78, and no payments/adjustments or current charges. Although not reflected in the payments/adjustments, JCP&L credited petitioner the \$76.83 from the March 2016 annual review toward the Respond Power previous balance, which reduced it from \$228.61 to \$151.78. (R-5.)

Petitioner's May 31, 2016, bill, for April 28, 2016, through May 26, 2016, reflects a JCP&L previous balance of \$1,842.37, no payments/adjustments, and current charges of \$684, as well as a Respond Power previous balance of \$151.78, and no payments/adjustments or current charges. (R-5.)

Petitioner's June 29, 2016, bill, for May 27, 2016, through June 27, 2016, reflects a JCP&L previous balance of \$2,526.37, no payments/adjustments, and current charges of \$256, as well as a Respond Power previous balance of \$151.78, and no payments/adjustments or current charges. (R-5.)

Petitioner's July 29, 2016, bill, for June 28, 2016, through July 27, 2016, reflects a JCP&L previous balance of \$2,782.37, a payment of \$400, and current charges of \$255.99, as well as a Respond Power previous balance of \$151.78, and no payments/adjustments or current charges. (R-5.)

Petitioner's August 26, 2016, bill, for July 28, 2016, through August 24, 2016, reflects a JCP&L previous balance of \$2,638.36, no payments/adjustments, and current charges of \$255.96, as well as a Respond Power previous balance of \$151.78, and no payments/adjustments or current charges. (R-5.)

Petitioner's September 27, 2016, bill, for August 25, 2016, through September 23, 2016, reflects a JCP&L previous balance of \$2,894.32, a payment of \$428, and current charges of \$256, as well as a Respond Power previous balance of \$151.78, and no payments/adjustments or current charges. (R-5.) The \$428 "payment" was for the cancellation and refund of a security deposit. (R-5.)

Petitioner's October 28, 2016, bill, for September 24, 2016, through October 26, 2016, reflects a JCP&L previous balance of \$2,722.32, a payment of \$100, and current charges of \$256, as well as a Respond Power previous balance of \$151.78, and no payments/adjustments or current charges. (R-5.)

Petitioner's November 28, 2016, bill, for October 27, 2016, through November 23, 2016, reflects a JCP&L previous balance of \$2,878.32, a payment of \$100, and current charges of \$237, as well as a Respond Power previous balance of \$151.78, and no payments/adjustments or current charges. (R-5.)

Petitioner's December 29, 2016, bill, for November 24, 2016, through December 27, 2016, reflects a JCP&L previous balance of \$3,015.32, no payments/adjustments, and current charges of \$237, as well as a Respond Power previous balance of \$151.78, and no payments/adjustments or current charges. (R-5.)

Petitioner's January 30, 2017, bill, for December 28, 2016, through January 26, 2017, reflects a JCP&L previous balance of \$3,252.32, no payments/adjustments, and current charges of \$237, as well as a Respond Power previous balance of \$151.78, and no payments/adjustments or current charges. (R-5.)

Petitioner's March 1, 2017, bill, for January 27, 2017, through February 27, 2017, reflects a JCP&L previous balance of \$3,489.32, no payments/adjustments, and current charges of \$48.46, as well as a Respond Power previous balance of \$151.78, and no payments/adjustments or current charges. The March 1, 2017, bill also reflects that it was the "Annual Review" bill, and that the difference between the actual charges (\$2,807.46) and the EPP (\$2,996) was \$188.54. (R-5.)

Petitioner's March 31, 2017, bill, for February 28, 2017, through March 29, 2017, reflects a JCP&L previous balance of \$3,537.78, no payments/adjustments, and current charges of \$234, as well as a Respond Power previous balance of \$151.78, and no payments/adjustments or current charges. (R-5.)

Petitioner's April 28, 2017, bill, for March 30, 2017, through April 26, 2017, reflects a JCP&L account balance of \$3,923.56, no payments/adjustments, and current charges of \$136.57. Although not reflected in the credits/adjustments, JCP&L credited petitioner the \$188.54 from the annual review toward the Respond Power previous balance. Thus, the Respond Power previous balance was paid in full and Respond Power was no longer reflected on petitioner's bills. (R-5.)

Additional Findings of Fact

While the testimony of both witnesses was credible, the JCP&L bills speak for themselves. Accordingly, I **FIND** the following additional **FACTS**:

Petitioner was billed \$149.44 for Respond Power on October 5, 2015. Petitioner was billed \$79.17 for Respond Power on November 2, 2015. Petitioner was billed a total of \$228.61 for Respond Power, for the period of August 29, 2015 through October 28, 2015. No other Respond Power charges were ever billed to petitioner.

LEGAL ANALYSIS AND CONCLUSIONS

If a dispute arises between a utility and any other person regarding a utility, an informal complaint may be submitted to the Board in accordance with N.J.A.C. 14:1-5.13, or a petition may be filed under N.J.A.C. 14:1-5. N.J.A.C. 14:3-1.2(d). The customer of record, as defined at N.J.A.C. 14:3-1.1, is responsible for payment for all utility service rendered. N.J.A.C. 14:3-7.1(a).

Petitioner was charged for Respond Power for only two months, for a total of \$228.61. Every bill thereafter reflects a previous balance of \$228.61 for Respond Power, with the exception of the two bills wherein she was given credit for the payment

plan and then credit for the payment plan was reversed because petitioner failed to make the payment. Howlett explained that payments made by the customer are applied toward the oldest arrears, which is why \$228.61 Respond Power charges were not paid off until application of the difference between the actual charges and the EPP amount for the March 2016 and March 2017 annual reviews.

Petitioner alleges that she was improperly charged for Respond Power by JCP&L. However, review of the entirety of petitioner's JCP&L bills from October 5, 2015, through June 1, 2017, reveals that petitioner was never improperly charged for Respond Power. Accordingly, I **CONCLUDE** that petitioner's petition should be denied in its entirety and dismissed.

ORDER

It is hereby **ORDERED** that the petition of Jennifer Woolf is **DENIED** and **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.

August 7, 2017
DATE


KELLY J. KIRK, ALJ

Date Received at Agency:

Date Mailed to Parties:

id

APPENDIX

WITNESSES

For Petitioner:

Jennifer DeMarco Woolf

For Respondent:

Charles Howlett

EXHIBITS

For Petitioner:

None

For Respondent:

R-1 Petition

R-2 Answer

R-3 Letter from JCP&L to Woolf, dated July 30, 2015

R-4 (Not in Evidence)

R-5 JCP&L bills, date October 5, 2015, through June 1, 2017

R-6 Customer Contact History