



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

SUPER 8 MOTEL
Petitioner,

v.

SUEZ WATER NEW JERSEY
Respondent

ORDER OF EXTENSION

BPU DOCKET NO. WC16121151U
OAL DOCKET NO. PUC 08455-17

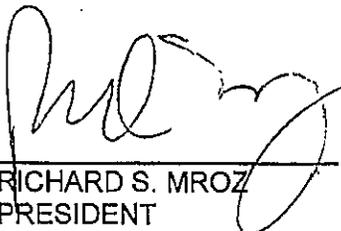
(SERVICE LIST ATTACHED)

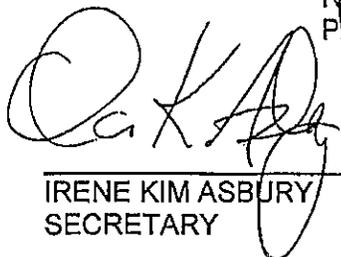
The Initial Decision of the Administrative Law Judge was received by the Board of Public Utilities (Board) on October 13, 2017; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on November 27, 2017. Prior to that date, the Board requests an additional 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 January 11, 2018.

DATED: 11/21/17

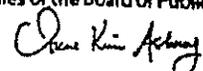
BOARD OF PUBLIC UTILITIES
BY:¹


RICHARD S. MROZ
PRESIDENT

ATTEST: 
IRENE KIM ASBURY
SECRETARY

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

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: 11/20/17

cc: Service List Attached



DATED: 11/27/17

LAURA SANDERS, ACTING
DIRECTOR & CHIEF
ADMINISTRATIVE LAW JUDGE

Date OAL mailed executed Order to Board: 11/27/17

Date Board mailed executed Order to Parties: 11/28/17

**IN THE MATTER OF SUPER 8 MOTEL, PETITIONER V.
SUEZ WATER COMPANY, RESPONDENT**

DOCKET NOS. BPU WC16121151U AND OAL PUC 08455-17

SERVICE LIST

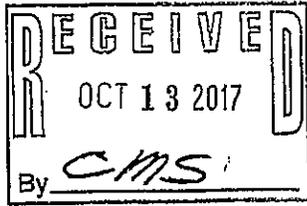
Dan Suratawa
Super 8 Motel
2800 Columbia Avenue
North Bergen, NJ 07047

John P. Wallace, Esq.
43 Briar Court
Hamburg, NJ 07419

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

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



BOARD OF PUBLIC UTILITIES

OCT 13 2017

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

MAIL RECEIVED

INITIAL DECISION

OAL DKT. NO. PUC 08455-17

AGENCY DKT. NO. WC16121151U

SUPER 8 MOTEL,

Petitioner,

v.

SUEZ WATER NEW JERSEY,

Respondent.

Dan Suratwala, petitioner, pro se

John P. Wallace, Esq., for respondent

Record Closed: September 14, 2017

Decided: October 11, 2017

BEFORE IRENE JONES, ALJ:

CMS
V. Haynes
D. Lee Thomas
E. Hartsfield
J. Ford
R. Lambert
R. Matus
D. Brantley
C. Vachier

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

On or about October 3, 2016, petitioner Dan Suratwala filed a petition with the Board of Public Utilities contesting his water bill from the respondent, Suez Water New Jersey. On January 10, 2017, respondent Suez Water filed an Answer to the petition and requested that the matter be dismissed.

On or about June 2, 2017, the Board transmitted the matter to the Office of Administrative Law for hearing as a contested case. The matter was pre-heard and a hearing was held on September 7, 2017. On September 5, 2017, respondent filed a motion for Summary Judgment.

FACTS

Based on the record, I FIND the following **FACTS**:

1. Petitioner is the owner of Super 8 Motel located at 2800 Columbia Avenue, North Bergen, New Jersey 07047
2. Respondent holds the water franchise for the area in which Super 8 Motel is located.
3. On October 6, 2014, respondent removed meter #M8241685 from the petitioner's motel and replaced it with a new meter. Subsequently, it was learned that the old meter had failed to register consumption and thus respondent sent the petitioner a "catch up bill" for the period of December 2013 through October 6, 2014. The methodology used to determine the "catch up" charges were set forth in a letter dated November 24, 2014. (Exhibit B, attached to Motion for Summary Judgment.)
4. On October 15, 2014, respondent billed the petitioner \$9,371.95 for water consumption at the aforementioned address.
5. The petitioner requested that the bill be further discounted because he has a transient customer base.
6. At the September 7 hearing, the parties agree to settle the matter with the petitioner receiving a thirty-five percent discount. The parties also agreed to further reconcile the bill to reflect payment(s) made by the petitioner.

7. The settlement agreement was placed on the record and thereafter reduced to writing. Pursuant to the terms of the agreement, petitioner was to pay the respondent \$8,345.73 by September 30, 2017. Petitioner has failed to abide by the terms of the agreement or more specifically to pay the agreed upon amount.
8. Respondent now seeks summary judgment against the petitioner.

DISCUSSION

A motion for Summary Decision should be granted "if the papers and discovery, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law." N.J.A.C. 1:1-12.5(b). To prevail, the adverse party must file an affidavit alleging specific facts that establish "a genuine issue which can only be determined in an evidentiary proceeding." The specific facts must be material to the issue, and "[t]he mere existence of disputed facts is not conclusive." Frank v. Ivy Club, 120 N.J. 73, 98 (1990).

In the instant matter, I **FIND** that this matter is appropriate for summary disposition.

I **FIND** that petitioner does not dispute that the meter failed to record consumption. He only contends that the initial discount offered by the respondent was insufficient. Subsequently, the respondent agreed to a bigger discount and petitioner has failed to pay or otherwise seek relief.

I **FIND** that the petitioner owes the respondent \$8,345.73 for water consumption at the Super 8 Motel. I **CONCLUDE** respondent's motion for summary judgment is appropriate and the motion is hereby **GRANTED**.

ORDER

It is, therefore, **ORDERED** that petitioner shall pay the respondent \$8,345.73 for water service.

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.

October 13, 2017
DATE



IRENE JONES, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

jb