



Agenda Date: 9/11/19
 Agenda Item: VIIC

STATE OF NEW JERSEY
Board of Public Utilities
 44 South Clinton Avenue, 9th Floor
 Post Office Box 350
 Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CUSTOMER ASSISTANCE

MARIETTA L. BLAND,
 Petitioner

v.

ATLANTIC CITY ELECTRIC COMPANY,
 Respondent

)
)
)
)
)
)
)
)
)
)
)

ORDER ADOPTING
 INITIAL DECISION

BPU Docket No. EC19020276U
 OAL Docket No. PUC 05437-19

Parties of Record:

Marietta L. Bland, Petitioner *pro se*
Andrew J. McNally, Esq., on behalf of Respondent, Atlantic City Electric Company

BY THE BOARD:

The within matter is a billing dispute between Marietta L. Bland ("Petitioner") and Atlantic City Electric Company ("ACE" or "Respondent"). This Order sets forth the background and procedural history of Petitioner's claims and represents the Final Order in the matter pursuant to N.J.S.A. 52:14B-20. Having reviewed the record, the Board of Public Utilities ("Board") now **ADOPTS** the Initial Decision rendered on August 22, 2019, as follows.

PROCEDURAL HISTORY

On or about February 25, 2019, Petitioner filed a petition with the Board claiming that ACE incorrectly billed her for electric usage. She further stated that the Company shut off her electric service.

Respondent filed an Answer to the Petition, dated March 28, 2019, which contended that services were supplied and billed in accordance with terms and conditions and rate schedules set forth in its Board approved Tariff. The Company requested that the relief sought by Petitioner denied on the basis that the petition failed to set forth a claim upon which relief may be granted.

On April 18, 2019, this matter was transmitted by the Board to the Office of Administrative Law ("OAL") for a 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 -23. This matter was assigned to Administrative Law Judge ("ALJ") Susan L. Olgati.

Subsequently, a Settlement Agreement and General Release ("Stipulation") were made between ACE and Petitioner dated July 27, 2019.

DISCUSSION AND FINDINGS

Pursuant to the terms of the Stipulation, and in order to fully resolve this matter, ACE agreed to credit Petitioner's account in the amount of \$657.04, towards her \$2,257.04 balance. As a result, the total amount owed for past usage was \$1,600. To satisfy the \$1,600 balance, Petitioner agreed to pay \$145.45 per month on the 1st of each month for eleven months, beginning August 1, 2019. The payments must be received and posted no later than the 1st of each month without any grace period.

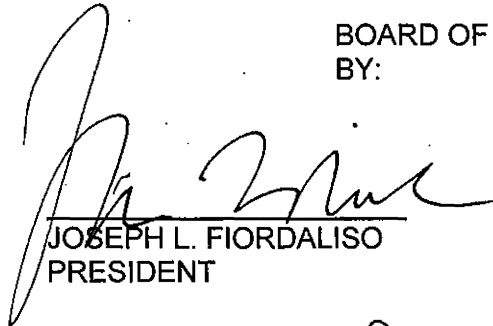
By Initial Decision issued on August 22, 2019, and submitted to the Board the same day, ALJ Oligati found that the Stipulation was voluntary, its terms fully disposed of all issues in controversy, it was consistent with the law, and that it satisfied the requirements of N.J.A.C. 1:1-19.1.

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.

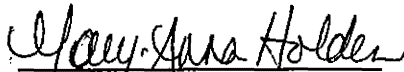
The effective date of this Order is September 21, 2019.

DATED: 9/11/19

BOARD OF PUBLIC UTILITIES
BY:



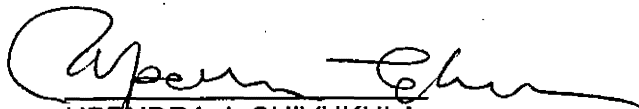
JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



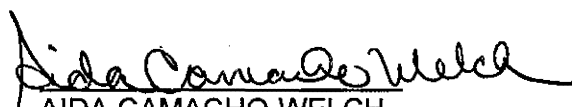
DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER



ROBERT M. GORDON
COMMISSIONER

ATTEST: 
AIDA CAMACHO-WELCH
SECRETARY

MARIETTA L. BLAND

V.

NEW JERSEY AMERICAN WATER COMPANY

**BPU DOCKET NO. EC19020276U
OAL DOCKET NO. PUC 05437-19**

SERVICE LIST

Marietta L. Bland
Post Office Box 312
Glassboro, NJ 08026

Andrew J. McNally, Esq.
Atlantic City Electric
500 N. Wakefield Drive
Post Office Box 6066
Newark, DE 19714-6066

Julie Ford-Williams, Director
Division of Customer Assistance
Board of Public Utilities
Post Office Box 350
Trenton, New Jersey 08625-0350
Julie.ford@bpu.nj.gov

Peter Van Brunt, Esq.
Deputy Attorney General
Department of Law & Public Safety
Division of Law
Post Office Box 45029
Newark, NJ 07101-45029
peter.vanbrunt@law.njoag.gov



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 05437-19
AGENCY DKT. NO. EC19020276U

MARIETTA L. BLAND,
Petitioner,

v.

ATLANTIC CITY ELECTRIC COMPANY,
Respondent.

Marietta L. Bland, petitioner, pro se

Andrew J. McNally, Assistant General Regulatory Counsel, for respondent,
Atlantic City Electric Company

Record Closed: August 19, 2019

Decided: August 22, 2019

BEFORE **SUSAN L. OLGIATI**, ALJ:

This matter was transmitted to the Office of Administrative Law on April 18, 2019, for determination 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.

CMS
K. Graham
D. Thomas
E. Harbickel
J. Ford
R. Lambert
R. Matus
K. Flynn
C. Vachier

I have reviewed the terms of settlement and I **FIND**:

OAL DKT. NO. PUC 05437-19

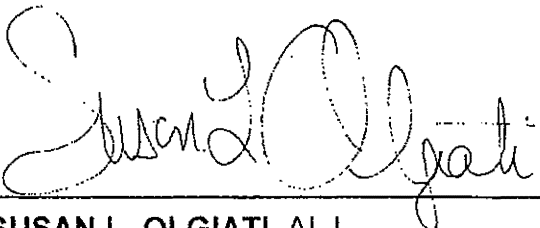
- 1. The parties have voluntarily agreed to the settlement as evidenced by their signatures or their representatives' signatures on the attached document. (J-1.)
- 2. The settlement fully disposes of all issues in controversy between them and is consistent with the law.

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.

August 22, 2019
DATE



SUSAN L. OLGATI, ALJ

Date Received at Agency: _____ 8-22-19

Date Mailed to Parties: _____

/s/

OAL DKT. NO. PUC 05437-19

APPENDIX

EXHIBIT

Jointly Submitted:

J-1 Settlement Agreement

Andrew J. McNally
Assistant General Counsel



An Exelon Company

Mailing Address
920C 42
PO Box 6066
Newark DE 19714-6066

609.909.7033 – Telephone
609.393.0243 – Facsimile
andrew.mcnally@exeloncorp.com

atlanticcityelectric.com

Overnight Delivery
500 N. Wakefield Drive
Newark, DE 19702

August 16, 2019

VIA FEDERAL EXPRESS

Honorable Susan Olgiati, A.L.J.
State of New Jersey
Office of Administrative Law
P.O. Box 049
Trenton, New Jersey 08625-0049

RECEIVED
2019 AUG 19 A 11:03
STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

RE: *Marietta L. Bland v. Atlantic City Electric Company*
OAL Docket No. PUC 05437-2019S
BPU Docket No. EC119020276U

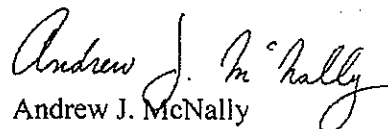
Dear Judge Olgiati:

I represent Respondent, Atlantic City Electric Company (“ACE” or “Respondent”) in the above-referenced matter. Enclosed, please find the settlement agreement executed by both Petitioner, Marietta L. Bland and ACE, bearing Ms. Bland’s original signature. As Your Honor may recall, we had originally obtained a copy of poor legibility, submitted under a cover letter dated July 25, 2019. We have since obtained the enclosed version bearing Ms. Bland’s original signature, pursuant to the Court’s request. The enclosed version was re-executed by Ms. Bland and is dated August 13, 2019.

The principal terms of the enclosed agreement were reached during a conference call convened by the Court on June 25, 2019. We appreciate the Court’s assistance in resolving this matter. In light of the enclosed settlement agreement, we respectfully request that the Court dispose of this matter as settled.

I sincerely appreciate Your Honor’s attention to this matter.

Respectfully,


Andrew J. McNally

Enclosure

cc: Marietta L. Bland (via email and U.S. Mail)



J-1

VIA EMAIL & U.S. MAIL

June 27, 2019

Marietta L. Bland
P.O. Box 312
Glassboro, New Jersey 08028

lavernebland6@gmail.com

Re: Marietta L. Bland v. Atlantic City Electric Company
BPU Docket No. EC119020276U / OAL Docket No. PUC 05437-2019S
Atlantic City Electric Account No. 5001 [REDACTED]

RECEIVED
2019 JUN 19 A 11:03
STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

Dear Ms. Bland:

On behalf of Atlantic City Electric Company ("ACE" or the "Company"), this letter agreement will set forth the terms of a settlement offer regarding the above-referenced matter. Said matter arises out of a claim made by you that you are not responsible for electric charges in the amount of \$2,257.04 billed to you under account number 5001 [REDACTED]. In order to avoid the time and expense of further contesting this dispute, the Company is willing to settle this matter on the terms specified below.

If agreed upon, ACE will provide a one-time credit of \$657.04 towards your \$2,257.04 account balance. The remaining balance of \$1,600.00 will then be repaid by you over eleven monthly installments of \$145.45. Your first payment will be due on August 1, 2019, and your remaining payments will be due on the 1st of each month thereafter through and including July 1, 2020. Please note that each of your payments must be received and posted no later than the 1st of each month, without any grace periods.

Please note your inactive account will not generate monthly invoices for the \$145.45 due each month pursuant to this agreement. Therefore, this letter will serve as the only notification of the \$145.45 due each month beginning August 1, 2019 through and including July 1, 2020. Please send your check or money order payments indicating your prior account number of 5001 [REDACTED] to:

Atlantic City Electric
P.O. Box 13609
Philadelphia, PA 19101

If agreed to, this letter agreement will be relied on for the purpose of compromising and settling this dispute. By executing this agreement, you agree to the dismissal of any and all claims you have pending before the Office of Administrative Law and/or the Board of Public Utilities in the above-referenced matter. Upon your execution of this agreement, ACE shall agree to the dismissal of its counterclaims in said matter. It is

further expressly understood and agreed, as a condition of this compromise, that this agreement shall not constitute or be construed to be an admission on any part of ACE or you, or as evidencing or indicating in any degree an admission of the truth or correctness of any claims asserted in this matter by any party.

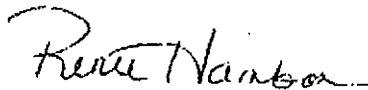
Kindly indicate your agreement by signing below and returning a fully executed copy to me on or before July 3, 2019. Upon execution of this agreement by you, ACE similarly agrees to withdraw its counterclaims in the above-referenced matter.

Consistent with the discussion held during the June 25, 2019 status conference held in this matter, counsel for ACE will forward a copy of this fully executed agreement to the Honorable Susan Olgiati, A.L.J., under a cover letter requesting that the Court dispose of this matter as settled.

Please be advised that failure to uphold the terms of this agreement will result in the nullification of this agreement. The Company reserves all of its rights to pursue any amounts owed in the event you do not adhere to the terms of this agreement.

Thank you for your cooperation in this matter.

Sincerely,

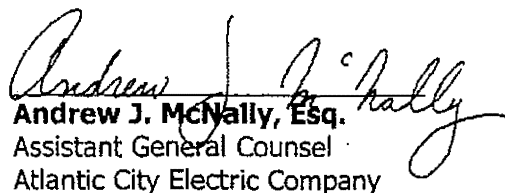


Renee Harbor
Sr. Regulatory Assessor
Regulatory/Executive Relations

Acknowledged and agreed by:


Marietta Laverne Bland

6-13-19
Date


Andrew J. McNally, Esq.
Assistant General Counsel
Atlantic City Electric Company

6/27/19
Date