



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

CUSTOMER ASSISTANCE

400 HAMBURG TURNPIKE,
Petitioner

v.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY,
Respondent

) ORDER ADOPTING
) INITIAL DECISION
)
)
)
) BPU Docket No. EC18101218U
) OAL Docket No. PUC 08607-19

Parties of Record:

Anthony Francioso, Esq., for petitioner
Sheree L. Kelly, Esq., Assistant General Regulatory Counsel, Public Service Electric & Gas Company, for Respondent

BY THE BOARD:

The within matter is a billing dispute between 400 Hamburg Turnpike ("Petitioner") and Public Service Electric & Gas Company ("PSE&G" 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-1 to -15 and N.J.S.A. 52:14F-1 to -13. Having reviewed the record, the Board of Public Utilities ("Board") now **ADOPTS** the Initial Decision rendered on October 15, 2019, as follows.

PROCEDURAL HISTORY

On or about October 30, 2018, Petitioner filed a petition with the Board requesting a formal hearing, alleged that respondent inaccurately billed its account. Petitioner contends that the premises in question are serviced by means of two meters. Petitioner further contends that the meter ending in 1005 was incorrectly billed in the amount of \$106,247.00. Petitioner requested that the Board provide assistance in resolving this matter with the Respondent.

Respondent filed an Answer to the Petition, dated May 22, 2019. Respondent contends that the services were supplied and billed in accordance with terms and conditions and rate scheduled set forth in its Board approved Tariff. Respondent requested that the relief sought be denied on the basis that Petitioner failed to set forth a claim upon which relief may be granted.

This matter was transmitted by the Board and filed with 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 -13, on June 25, 2019. This matter was assigned to Administrative Law Judge ("ALJ") Thomas R. Betancourt.

A Stipulation of Settlement was agreed to between Respondent and Petitioner dated October 1, 2019 resolving all issues in this matter.

DISCUSSION AND FINDINGS

Pursuant to the terms of the Stipulation, and in order to fully resolve this matter, Respondent has agreed to rebill account ending in 1005, making the balance due \$8,983.16. Respondent also agreed to transfer a credit of \$2,133.66 from the account ending in 6100 to account ending in 1005, bringing the current balance due to \$6,849.50. Petitioner agreed to pay this amount within 45 days. Both accounts will have the PSE&G gas and electric services disconnected and the accounts will be closed. Petitioner will assume the safe keeping of the premises after the accounts are closed and disconnected.

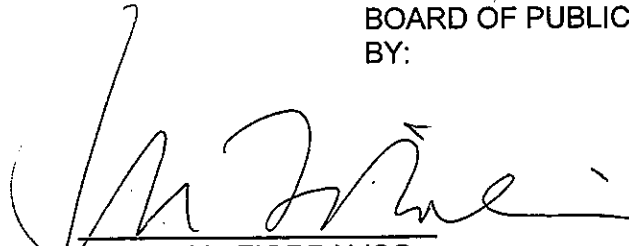
By Initial Decision issued on October 15, 2019, and submitted to the Board on October 25, 2019, ALJ Betancourt found that the Stipulation was voluntary, its terms fully disposed of all issues in controversy, it was consistent with the law, and that it satisfied the requirements of N.J.A.C. 1:1-19.1.

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 December 16, 2019.

DATED: 12/6/19

BOARD OF PUBLIC UTILITIES
BY:




JOSEPH L. FIORDALISO
PRESIDENT



MARYANNA HOLDEN
COMMISSIONER



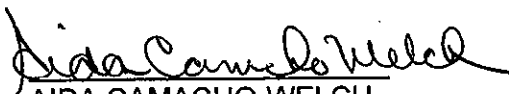
DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER



ROBERT M. GORDON
COMMISSIONER

ATTEST: 

AIDA CAMACHO-WELCH
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public Utilities.

400 HAMBURG TURNPIKE , PETITIONER

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY, RESPONDENT

**BPU DOCKET NO. EC18101218U
OAL DOCKET NO. PUC 08607-19**

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BOARD OF PUBLIC UTILITIES

OCT 25 2019

MAIL RECEIVED



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

RECEIVED
CASE MANAGEMENT

OCT 25 2019

BOARD OF PUBLIC UTILITIES
TRENTON, NJ

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 08607-19

AGY REF EC18101218U

400 HAMBURG TURNPIKE,

Petitioner,

v.

PUBLIC SERVICE ELECTRIC & GAS

COMPANY,

Respondent.

Anthony Francioso, Esq., for Petitioner (Fornaro Francioso, attorneys)

Sheree L. Kelly, Assistant General Regulatory Counsel, Public Service Electric
& Gas Company, for Respondent

Record Closed: October 11, 2019

Decided: October 15, 2019

BEFORE THOMAS R. BETANCOURT, ALJ:

Petitioner disputes utility bills received from respondent.

The Board of Public Utilities transmitted the contested case pursuant to N.J.S.A. 52:14B-1 to 15 and N.J.S.A. 52:14f-1 TO 13, to the Office of Administrative Law (OAL), where it was filed on June 25, 2019.

The parties have voluntarily agreed to resolve all disputed matters and have entered into a settlement as set forth in the attached settlement agreement.

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

1. The parties have voluntarily agreed to the settlement as evidenced by their signatures and/or the signature of their respective representatives on the attached settlement agreement; and,
2. The settlement fully disposes of all issues in controversy between the parties.

ORDER

It is hereby **ORDERED** that the parties comply with the terms of the settlement agreement; and

It is further **ORDERED** that petitioner's appeal is withdrawn with prejudice.

I hereby **FILE** this 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.

October 15, 2019

DATE



THOMAS R. BETANCOURT, ALJ

Date Received at Agency:

October 16, 2019

Date Mailed to Parties:

October 16, 2019

db

**STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW**

400 Hamburg Turnpike LLC,)	BPU DOCKET NO. EC181012180U
)	OAL DOCKET NO. PUC 08607-2019
Petitioner,)	
)	
)	
v.)	
)	
)	
Public Service Electric & Gas Company,)	STIPULATION OF SETTLEMENT
)	
Respondent.)	
)	
)	
)	

On or about October 2018, Petitioner filed the above-referenced Billing Dispute. Public Service Electric & Gas Company ("PSE&G" or "Respondent") filed an answer to the petition and the New Jersey Board of Public Utilities ("NJBP" or "Board") transmitted the matter to the Office of Administrative Law ("OAL") as a contested case for adjudication.

In the interest of resolving this matter amicably and to avoid further delay and costs to Petitioner and Respondent (the "Parties"), the Parties hereto agreed to settle this matter in accordance with the following terms:

1. This Settlement Agreement represents the entire agreement between the Parties relating to the subject matter of the Dispute.

2. The Parties acknowledge and agree that the settlement of the Dispute, the consideration referenced herein, and the execution of this Settlement Agreement, are the result of compromise and are entered into in good faith and shall never for any purpose be considered an admission of liability or of responsibility concerning any of the claims referred to in the Dispute, and no past or present wrongdoing on the part of any of them shall be implied by such consideration or execution.

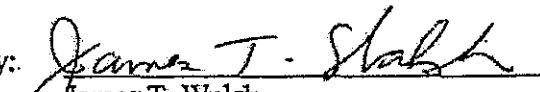
3. Although not agreeing with the merits of the allegations expressed in the Petition, in the interest of good customer relations PSE&G has rebilled account number

ending 1005, also known as the "front" premise at the service address of 400 Hamburg Turnpike, Wayne, N.J. from the meter reading obtained on September 17, 2019 the total amount due of \$8,983.16.

4. The credit balance of \$2,133.66 on PSE&G account number ending 6100, also known as the "rear" premise at the service address of 400 Hamburg Turnpike, Wayne, N.J. will be transferred to the "front" account bringing the total balance due \$6,849.50. The petitioner agrees to pay this amount due in 45 days.
5. Both of these accounts will have the PSE&G gas and electric services disconnected and the accounts will be closed. The petitioner assumes the safe keeping of the premises after the accounts are closed and disconnected.
6. This agreement is in full settlement of the claims set forth in the Petition filed by Petitioner, on or about October 30, 2018.
7. The undersigned agree that this Settlement contains mutually balancing and interdependent provisions and is intended to be accepted and approved in its entirety. In the event any particular aspect of this Settlement is not accepted and approved by the Board or modified by the Board, the party that is adversely affected by the modification can either accept the modification or declare this Settlement to be null and void, and the Parties shall be placed in the same position that they were in immediately prior to its execution.

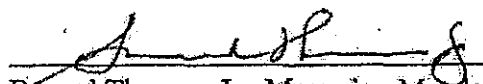
DATED: 10-1-19

By:


James T. Walsh
PSE&G Senior Customer Relations Consultant

DATED: 10-1-19

By:


Benard Thomas, Jr., Managing Member
400 Hamburg Turnpike LLC.

cc: Anthony Francioso, Esq.
Sheree Kelly, Esq.
Honorable Thomas R. Betancourt