



Agenda Date: 5/4/22
Agenda Item: VIIA

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CUSTOMER ASSISTANCE

ALAN M. SIMON, Petitioner)	ORDER ADOPTING INITIAL
)	DECISION
v.)	
)	BPU Docket No. EC21010008U
ATLANTIC CITY ELECTRIC COMPANY,)	OAL Docket No. PUC 02662-21
Respondent.)	

Parties of Record:

Alan M. Simon, Petitioner, Pro Se
Ernest A. Aponte, Esq., Aponte Law Services, for Respondent, Atlantic City Electric Company

BY THE BOARD:

The within matter is a billing dispute between Alan M. Simon (“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-1 to B-15 and N.J.S.A. 52:14F-1 to F-13. Having reviewed the record, the New Jersey Board of Public Utilities (“Board”) now **ADOPTS** the Initial Decision issued on March 28, 2022, as follows.

PROCEDURAL HISTORY

On or about December 23, 2020, Petitioner filed a petition with the Board requesting a formal hearing, alleging that Respondent inaccurately billed Petitioner. Petitioner contended that the bill received for January of 2020 in the amount of \$2,000.00 and February of 2020 in the amount of \$2,000.00 from the ACE were excessive compared to prior monthly billings. Petitioner requested that the Board provide assistance in resolving this matter with the Respondent.

Respondent filed an Answer to the Petition, dated January 28, 2021. Respondent contended that the services were supplied and billed in accordance with terms and conditions and rate schedule 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. Respondent filed a counterclaim in the amount of \$4,358.00 for the amount due and owing by the Petitioner.

On March 10, 2021, 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 B-15 and N.J.S.A. 52:14F-1 to F-13. This matter was assigned to Administrative Law Judge (“ALJ”) Catherine A. Tuohy.

A Stipulation of Settlement ("Stipulation") was agreed to between Respondent and Petitioner dated March 25, 2022 resolving all issues in this matter. Pursuant to the terms of the Stipulation, and in order to fully resolve this matter, Respondent agreed to credit \$2,000.00 to Petitioner's outstanding account balance of \$4,365.41.

By Initial Decision issued on March 28, 2022, and submitted to the Board on April 1, 2022, ALJ Tuohy 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.

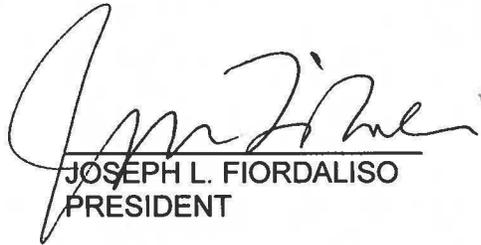
DISCUSSION AND FINDINGS

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 May 11, 2022.

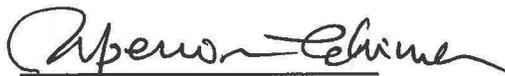
DATED: May 4, 2022

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:


CARMEN D. DIAZ
ACTING SECRETARY

ALAN M. SIMON V. ATLANTIC CITY ELECTRIC COMPANY

BPU DOCKET NO. EC21010008U

OAL DOCKET NO. PUC 02662-21

SERVICE LIST

Alan M. Simon

Department of Law and Public Safety

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New Jersey Board of Public Utilities

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Julie Ford-Williams, Director
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Karriemah Graham, Chief
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State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 02662-21

AGENCY DKT. NO. EC21010008U

ALAN M. SIMON,

Petitioner,

v.

ATLANTIC CITY ELECTRIC COMPANY,

Respondent.

Alan M. Simon, petitioner, pro se

Ernest A. Aponte, Esq., for respondent, (Aponte Law Services, attorneys)

Record Closed: March 25, 2022

Decided: March 28, 2022

BEFORE **CATHERINE A. TUOHY**, ALJ:

This matter was filed with the Office of Administrative Law (OAL) on March 10, 2021, for a determination as a contested case, pursuant to N.J.S.A. 52:14B-1 to B-15 and N.J.S.A. 52:14F-1 to F-13.

The parties have agreed to a settlement of all issues in dispute and have prepared a Settlement Agreement, which is attached and fully incorporated herein.

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

1. The parties have voluntarily agreed to the settlement as evidenced by their signatures.
2. The settlement fully disposes of all issues in controversy.

I **CONCLUDE** that this matter is no longer a contested case before the Office of Administrative Law. It is **ORDERED** 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.



March 28, 2022

DATE

CATHERINE A. TUONY, ALJ

Date Received at Agency:

4/1/2022

Date Mailed to Parties:

4/1/2022

CAT/gd/tat

EXHIBITS

Jointly Submitted:

J-1 Received Settlement Agreement, dated March 25, 2022

ALAN M. SIMON,

Petitioner,

v.

ATLANTIC CITY ELECTRIC
COMPANY,

Respondent.

STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

OAL Docket No. PUC 02662-2021S
BPU Docket No. EC21010008U

STIPULATION OF SETTLEMENT

The undersigned *pro se* Petitioner, ALAN M. SIMON (herein, "Petitioner"), and Respondent, Atlantic City Electric Company (herein, "ACE"), through its undersigned counsel, hereby stipulate that, as of this 21st day of March 2022, the following is an agreed settlement by and between the parties hereto in connection with the above-captioned matter. (Petitioner and Respondent will be collectively referred to herein as the "Parties.")

WHEREAS, ACE currently provides electric energy to Petitioner at a residence located at [REDACTED], Account No. [REDACTED]; and

WHEREAS, Petitioner has disputed outstanding amounts paid to ACE associated with electric usage at said residence totaling approximately \$4,365.41; and

WHEREAS, by letter dated December 23, 2020, Petitioner filed a written complaint with the New Jersey Board of Public Utilities (herein, the "Board"), Docket No. EC21010008U; and

WHEREAS, the matter was transferred by the Board to the Office of Administrative Law (Atlantic City vicinage) and was assigned Docket No. PUC 02662-2021S; and

WHEREAS, the Parties have come to a complete and final agreement resolving all issues and claims related thereto and between them.

NOW, THEREFORE, ACE and Petitioner, in consideration of their mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound hereby, agree as follows:

1. Petitioner's claim will be settled for \$2,000.00. ACE will issue a credit adjustment to Petitioner's account in the amount of \$2,000.00. Said \$2,000.00 credit adjustment represents an amount disputed by Petitioner and compromised by ACE in accordance with the terms of this settlement.

2. This Stipulation of Settlement is entered into as an accord and satisfaction of disputed claims and is not to be construed as an admission of liability by either party of any matter of fact or law.

3. Each of the Parties to this Stipulation of Settlement affirms and acknowledges: (a) that a representative of the party with the authority to execute this document has read and understood this Stipulation of Settlement; (b) that the terms of this Stipulation of Settlement and the effects thereof have been fully explained to that representative; (c) that the representative fully understands each term of this Stipulation of Settlement and its effect and has had an opportunity to confer with counsel; and (d) that no party has relied on any statement, representation or inducement (whether material, false, negligently made or otherwise) with respect to said party's decision to execute this Stipulation of Settlement.

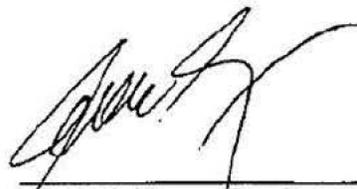
4. This Stipulation of Settlement shall not be modified or amended, nor shall any of its provisions be waived, unless such modification, amendment or waiver is memorialized in a writing, signed by the Parties hereto.

5. This Stipulation of Settlement shall be binding upon and shall inure to the benefit of the Parties hereto and their respective successors and assigns, provided however, that neither party shall assign or delegate this document, in whole or in part, without the prior written consent of the other party hereto.



Ernest A. Aponte, Esq. (000262003)
Aponte Law Services
511 Locust Street
Hammonton, NJ 08037
(609) 317-6116
On behalf of Atlantic City Electric
Apontelaw66@gmail.com

Dated: 3/25/2022



Alan M. Simon, Pro Se



Dated: 3.21.22