



Agenda Date: 4/8/08  
Agenda Item: 7A

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**Two Gateway Center**  
**Newark, NJ 07102**  
**www.nj.gov/bpu/**

CUSTOMER ASSISTANCE

ESMAT ZAKLAMA,	)	ORDER ADOPTING INITIAL
Petitioner,	)	DECISION IN PART AND
v.	)	MODIFYING INITIAL DECISION
	)	IN PART
PUBLIC SERVICE ELECTRIC AND GAS COMPANY,	)	BPU DOCKET NO. GC04091014U
Respondent	)	OAL DOCKET NO. PUC11913-04N

(SERVICE LIST ATTACHED)

**BY THE BOARD**

On September 13, 2004, Esmat Zaklama ("Petitioner") filed a petition with the Board of Public Utilities ("Board") requesting a hearing regarding charges of Public Service Electric and Gas Company ("Respondent"). After submission of the Respondent's answer, the Board transmitted this matter to the Office of Administrative Law ("OAL") on November 8, 2004, for determination and initial disposition as a contested case pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. The matter was assigned to Administrative Law Judge ("ALJ") Jeffrey A. Gerson.

While this matter was pending at the OAL, the parties engaged in negotiations and reached a partial settlement, which was submitted to the ALJ. By Partial Initial Decision issued on September 6, 2006, and submitted to the Board on September 7, 2006, to which the partial settlement was attached and made a part thereof, ALJ Gerson found that the partial settlement was voluntary, that its terms fully disposed of all issues in controversy except for one and that it met the requirements of N.J.A.C. 1:1-19.1. Under the terms of the partial settlement, the parties agreed on various issues related to particular specified gas and electric accounts including bill credits, continuation of utility service and billing account information. The parties, in Paragraph 2 of their partial settlement, also agreed that items labeled "Not Relevant" were not properly before the OAL in this proceeding because Petitioner is not the customer on the accounts marked "Not Relevant." In addition, the parties, in Paragraph A of their partial settlement, identified an unsettled issue which involves a claim by Petitioner for compensatory damages in the amount of \$12,000.00 from PSE&G for alleged interruption of business, loss of income and the repair of a meter pan. Paragraph A provided that PSE&G disputed the claim and reserved the right to argue that this matter is not properly before the OAL. Paragraph A also provided that PSE&G agreed to provide Petitioner a free replacement meter pan for the service meter to the property provided that a licensed electrician submits a request with an electrical permit to the local PSE&G office.

By Order dated October 12, 2006, the Board adopted the terms of the Partial Initial Decision and the partial settlement in their entirety. In addition, after recognizing the unresolved issue in the matter and noting that it has no jurisdiction over claims for damages, the Board recommended that "...the Petitioner pursue adjudication for the unsettled portion of its petition in the appropriate judicial forum."

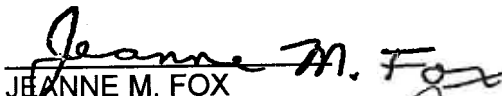
Subsequently, a Motion to Dismiss the unsettled issue was filed by Respondent on December 20, 2007, on the ground that the Board, in its October 12, 2006 Order, had ruled that it did not have jurisdiction over Petitioner's claim for damages. By Initial Decision issued on February 21, 2008, and submitted to the Board on February 25, 2008, ALJ Gerson dismissed the matter with prejudice concluding "...that the best interests of judicial efficiency and resources would be served by dismissing the remaining unsettled portion of the claim." No opposition to the Motion to Dismiss and no exceptions to the Initial Decision have been submitted to the Board.

The Board, not having jurisdiction over claims for damages as previously determined by the Board in this matter, agrees with the ALJ's conclusion that this matter should be dismissed with prejudice. However, the Board notes that the ALJ, in his Initial Decision, has identified the unresolved issue as the language contained in Paragraph 2 of the partial settlement rather than the language contained in Paragraph A, as referred to hereinabove. Therefore, the Initial Decision should be modified accordingly.

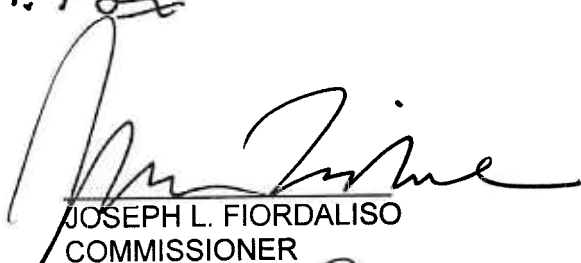
After review of the record, the Board HEREBY FINDS the conclusion of the ALJ to be reasonable and appropriate. Accordingly, the Board HEREBY ADOPTS the Initial Decision as modified hereinabove, and, as a result, HEREBY DISMISSES the petition in this matter, as it pertains to the unresolved issue set out in Paragraph A of the partial settlement of the parties, with prejudice.

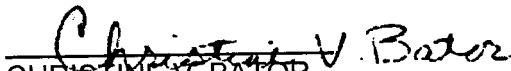
DATED: 4/9/08

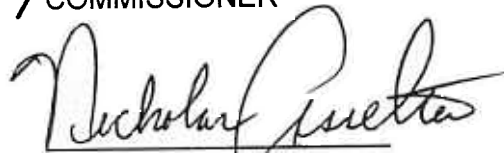
BOARD OF PUBLIC UTILITIES  
BY:

  
JEANNE M. FOX  
PRESIDENT

  
FREDERICK F. BUTLER  
COMMISSIONER

  
JOSEPH L. FIORDALISO  
COMMISSIONER

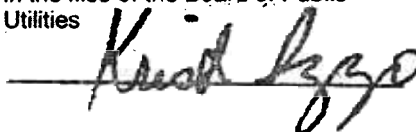
  
CHRISTINE V. BATOR  
COMMISSIONER

  
NICHOLAS ASSELTA  
COMMISSIONER

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

ATTEST:

  
KRISTI IZZO  
SECRETARY



**ESMAT ZAKLAMA**

**v.**

**PUBLIC SERVICE ELECTRIC AND GAS COMPANY  
BPU DOCKET NO. GC04091014U  
OAL DOCKET NO. PUC 11913-04N**

**SERVICE LIST**

Esmat Zaklama  
2734 Kennedy Boulevard  
Jersey City, New Jersey 07306

Sheree L. Kelly, Esq.  
PSEG Services Corporation  
80 Park Plaza – T5G  
Newark, New Jersey 07102-4194

Eric Hartsfield, Director  
Julie Ford Williams  
Division of Customer Assistance  
Board of Public Utilities  
Two Gateway Center  
Newark, New Jersey 07102

Jessica Campbell, DAG  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07102

**PROPOSED OFFER OF SETTLEMENT**

In the matter of Esmat Zaklama ("Petitioner") v. Public Service Electric & Gas Company ("Respondent" or "PSE&G") (OAL Docket No. PUCCL 11913-2004N), PSE&G proposes to resolve the outstanding issues in this proceeding in the manner set forth in the numbered paragraphs below. Petitioner's signature at the bottom of this proposal indicates his acceptance of the individual items that he has initialed as well as the general terms of this proposal set out below.

1. All accounts listed on the Exhibit hereto that are labeled "Current" are those where the customer is current or near current in his payments. PSE&G agrees that it shall continue to serve these accounts going forward on a regular basis per PSE&G's tariff. Upon Petitioner's acceptance of this settlement offer both parties agree that no further disputes remain with respect to such accounts.
2. For all items set forth on the Exhibit that are labeled "Not Relevant" Petitioner, Esmat Zaklama, is not the customer taking service under the account. Upon Petitioner's acceptance of this settlement offer, both parties agree that the matters labeled "Not Relevant" are not properly before the Office of Administrative Law ("OAL") in this proceeding.
3. With respect to Account No. 21 431 152 29, 4617 Broadway, Union City, New Jersey, House Account, PSE&G, upon acceptance of this settlement offer, will forgive all remaining charges and bring the outstanding balance to zero.
4. With respect to Account No. 21 287 252 59, 973 Broadway, Bayonne, New Jersey, Store Account, Mr. Zaklama, upon acceptance of this settlement offer, will pay PSE&G an amount of \$68.82 and PSE&G will forgive the remaining charges.
5. With respect to Account No. 21 105 281 33, 151 Congress Street, Jersey City, House Account, Mr. Zaklama, upon acceptance of this settlement offer, will pay PSE&G an amount of \$20.69 and PSE&G will then forgive the remaining charges.

6. With respect to Account No. 21 057 356 65, 254 Central Ave., Jersey City, Mr. Zaklama, upon acceptance of this settlement offer, will pay PSE&G an amount of \$856.05 and PSE&G will then forgive the remaining charges.
7. With respect to Account No. 21 806 030 45, 222 Warren Ave., Fort Lee, New Jersey, House Account, PSE&G, upon acceptance of this settlement offer, will forgive all remaining charges and bring the outstanding balance to zero.
8. With respect to Account No. 21 372 106 30, 3430 Kennedy Blvd., Jersey City, New Jersey, heating account, the account was closed on November 20, 2001. Upon acceptance of this settlement offer, the parties agree that the ending balance on the account was zero.
9. With respect to Account No. 41 446 014 20, 67 Lincoln Ave., Hasbrouck Hts., New Jersey, Mr. Zaklama, upon acceptance of this settlement offer, will pay PSE&G the outstanding balance of \$635.14 and PSE&G will then fully discharge his obligation on this account.
10. With respect to Account No. 21 439 407 18, 6911 Bergenline Ave., Guttenberg, New Jersey, Apt. 1, the account has been closed. Upon acceptance of this settlement offer, PSE&G agrees to cancel the ending balance on the account of \$47.12.
11. With respect to Account No. 21 901 087 80, 11 Bellevue Pl. Fl. 1, Weehawken, New Jersey, PSE&G, upon acceptance of this settlement offer, agrees to cancel the balance on the account and bring the current balance to zero.
12. With respect to Account No. 21 287 253 80, 973 Broadway, Bayonne, New Jersey, 1<sup>st</sup> Floor RR Account, PSE&G, upon Mr. Zaklama's acceptance of this settlement offer, agrees to cancel the balance on the account and bring the current balance to zero based upon Mr. Zaklama's representation, affirmed by his signature below, that he did not order, use or benefit from the service.

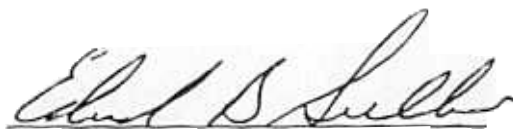
## **General Terms**

The electric and gas service accounts in dispute are set forth on the Exhibit to this offer of settlement and that Exhibit is made a part hereof for all purposes.

The following matter is specifically reserved for resolution and possible hearing/trial before the OAL:

- A. With respect to Account No. 21 089 076 53, 390 Summit Ave., Jersey City, New Jersey, which serves a tavern, Mr. Zaklama claims that an employee of PSE&G damaged the electric meter pan to the tavern in 2002 and that since that time he has been unable to lease the property or operate a business from that location. He seeks \$12,000 of compensatory damages for the interruption of his business, loss of income, and repair of the meter pan. PSE&G disputes this claim and, furthermore, reserves the right to argue that this matter is not properly before the OAL. PSE&G has agreed to provide Mr. Zaklama a free replacement meter pan for the service meter to the property provided that a licensed electrician submits a request to the local PSE&G office together with an electrical permit.

Upon the Petitioner's acceptance of this settlement offer, and in consideration for the mutual promises made by the parties as part of this settlement offer and acceptance by Petitioner, the parties ask that further proceedings before the OAL with respect to all issues but for the reserved issue be terminated with prejudice.

A handwritten signature in dark ink, appearing to read "Edward B. Sullivan", written over a horizontal line.

Edward B. Sullivan for  
Public Service Electric & Gas  
Company  
Date: August 25, 2006

Accepted and agreed to.  
This 25<sup>th</sup> day of August, 2006.

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Esmat Zaklama

FROM :

FAX NO. :

Aug. 31 2006 05:48PM P4

FROM PSEG LAW 973-430-5983

FRID 8. 25 '06 17:15/ST. 17.11. NC. 4260137674 P 5

- 4 -

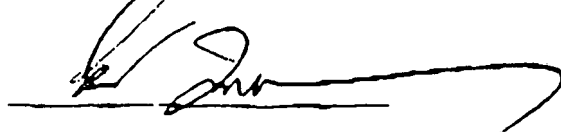
Upon the Petitioner's acceptance of this settlement offer, and in consideration for the mutual promises made by the parties as part of this settlement offer and acceptance by Petitioner, the parties ask that further proceedings before the OAL with respect to all issues but for the reserved issue be terminated with prejudice.



Edward B. Sullivan for  
Public Service Electric & Gas  
Company  
Date: August 25, 2006

Accepted and agreed to.

This 25<sup>th</sup> day of August, 2006:



Esmat Zaklana



**Exhibit**  
**Zaklama v. PSE&G**  
**Offer of Settlement**  
**Dated: August 25, 2006**

Account Number	Location	Customer Name	Resolution
21 287 252 59	973 Broadway Ave. STR, Bayonne	E. Zaklama/Esmat Zaklama	See Settlement Agreement ¶ 4
21 287 253 80	973 Broadway Ave. FL 1 RR, Bayonne	E. Zaklama/Esmat Zaklama/E-ZAK	See Settlement Agreement ¶ 12
21 287 251 94	973 Broadway Ave. FL 2 N, Bayonne	Unknown	Not Relevant
21 942 373 64	44 W. 54 <sup>th</sup> Street HSE, Bayonne	Selvia Zaklama	Not Relevant
21 439 142 88	6911 Bergenline Ave., HALLS, Guttenberg	Esmat Zaklama	Current
21 439 407 18	6911 Bergenline Ave. Apt. 1, Guttenberg	Esmat Zaklama	See Settlement Agreement ¶ 10
21 439 141 99	6911 Bergenline Ave. HSE GAS, Guttenberg	Esmat Zaklama	Current
21 806 030 45	222 Warren Ave. HSE, Fort Lee	ZAKS Enterprises Inc.	See Settlement Agreement ¶ 7
21 901 087 80	11 Bellevue Pl. Fl. 1 Weehawken	Sylvia Zaklama	See Settlement Agreement ¶ 11
21 901 120 95	11 Bellevue Pl. HSE, Union City	Sylvia Zaklama	Not Relevant
21 431 152 59	4617 Broadway HSE, Union City	Esmat Zaklama	See Settlement Agreement ¶ 3
21 089 076 53	390 Summit Ave. TAV, Jersey City	Esmat Zaklama c/o Medinet Corp.	See Settlement Agreement ¶ A This matter is reserved.
21 397 139 66	865 Bergen Ave. HL, Jersey City	Zak's Enterprise Inc.	Current
21 397 142 45	865 Bergen Ave. FL 2 F, Jersey City	Zak's Enterprise Inc.	Current
21 397 140 67	865 Bergen Ave STR, Jersey City	Zak's Enterprise Inc.	Current
21 397 141 48	865 Bergen Ave FL 2RR, Jersey City	Zak's Enterprise Inc.	Current
21 057 356 65	254 Central Avenue, Jersey City	Esmat Zaklama	See Settlement Agreement ¶ 6
21 105 281 33	151 Congress St., Jersey City	Esmat Zaklama	See Settlement Agreement ¶ 5
21 372 106 30	3430 Kennedy Blvd., Jersey City	Esmat Zaklama	See Settlement Agreement ¶ 8
41 446 014 20	67 Lincoln Ave., Hasbrouck Hts.	Esmat Zaklama	See Settlement Agreement ¶ 9

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CASE MANAGEMENT

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State of New Jersey  
BOARD OF PUBLIC UTILITIES  
NEWARK, N.J. OFFICE OF ADMINISTRATIVE LAW

CMS  
BESLOOJ  
RPL  
SLUTZKY  
PASLO  
CAGAS.7 (v)

INITIAL DECISION

DISMISSAL WITH PREJUDICE

OAL DKT. NO. PUC 11913-04

AGENCY DKT. NO. GC04091014U

ESMAT ZAKLAMA,

Petitioner,

v.

PUBLIC SERVICE ELECTRIC AND GAS  
COMPANY,

Respondent.



Esmat Zaklama, petitioner, pro se

Joseph E. Priddy, Esq., for respondent

(PSE&G Services Corporation, attorneys)

Record Closed: December 21, 2007

Decided: February 21, 2008

BEFORE JEFFREY A. GERSON, ALJ:

This matter was transmitted to the Office of Administrative Law on December 6, 2004 for hearing as a contested case pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F1 to -13. On August 25, 2006, the parties notified the undersigned ALJ that a partial settlement had been reached resolving all issues, with one exception. That exception is contained in paragraph two (2) of the settlement and reads as follows:

2. For all items set forth on the Exhibit that are labeled "Not Relevant", Petitioner, Esmat Zaklama, is not the customer taking service under the account. Upon Petitioner's acceptance of this settlement offer, both parties agree that the matters labeled "Not Relevant" are not properly before the Office of Administrative Law ("OAL") in this proceeding.

On September 6, 2006, the undersigned ALJ incorporated the settlement (which included the exception) into a Partial Initial Decision Settlement.

On December 20, 2007, respondent's counsel submitted a "CERTIFICATION OF COUNSEL IN SUPPORT OF MOTION TO DISMISS UNSETTLED PORTION OF PETITIONER'S CLAIM FOR LACK OF JURISDICTION." In paragraph six of that motion, respondent requested that the unsettled portion of the claim be dismissed, with prejudice.

### **CONCLUSION**

Having reviewed respondent's Motion to Dismiss, **CONCLUDE** that the best interests of judicial efficiency and resources would be served by dismissing the remaining unsettled portion of the claim.

### **ORDER**

**ORDER** that this case be **DISMISSED WITH PREJUDICE**.

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, 2 Gateway Center, Newark, NJ 07102**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

February 21, 2008

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JEFFREY A. GERSON, ALJ

Date Received at Agency: 2-25-08

\_\_\_\_\_  
I have [signature]  
Mailed to Parties: |

\_\_\_\_\_  
DATE

\_\_\_\_\_  
OFFICE OF ADMINISTRATIVE LAW

\mvh