

Agenda Date: 4/27/11 Agenda Item: VIIA

# STATE OF NEW JERSEY Board of Public Utilities Two Gateway Center, Suite 801 Newark, NJ 07102 <u>www.nj.gov/bpu/</u>

# **CUSTOMER ASSISTANCE**

DESIREE HENDERSON, Petitioner	) )	ORDER ADOPTING INITIAL DECISION SETTLEMENT
V	)	
PUBLIC SERVICE ELECTRIC AND GAS COMPANY, Respondent	) ) )	BPU Docket No. EC10020136U OAL Docket No. PUC03597-10

Joel L. Rachmiel, Esq., Springfield, New Jersey, on behalf of Petitioner, Desiree Henderson

Sheree L. Kelly, Esq., Newark, New Jersey, on behalf of Respondent, Public Service Electric and Gas Company

BY THE BOARD:

On February 22, 2010, Desiree Henderson ("Petitioner") filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to a billing dispute with Public Service Electric and Gas Company ("Respondent") for utility services rendered by Respondent.

After the filing of Respondent's answer, the Board transmitted this matter to the Office of Administrative Law ("OAL") for hearing and initial disposition as a contested case pursuant to <u>N.J.S.A.</u> 52:14B-1 <u>et seq.</u> and <u>N.J.S.A.</u> 52:14F-1 <u>et seq.</u> This matter was assigned to Administrative Law Judge ("ALJ") Kimberly A. Moss.

While this matter was pending at the OAL, the parties engaged in negotiations and entered into and signed a Stipulation of Settlement ("Stipulation") that was submitted to the ALJ. By Initial Decision issued on March 1, 2011, to which the Stipulation was attached and made part thereof, ALJ Moss found that the Stipulation was voluntary, that its terms fully disposed of all issues in controversy and that it satisfied the requirements of <u>N.J.A.C.</u> 1:1-19.1. Pursuant to the terms of the Stipulation, Petitioner has agreed to pay the final billing as of January 20, 2011, in the amount of \$705.55 over a period of six (6) months in addition to current bills. The payments for the final billing shall be in the amount of \$117.60 per month over the six (6) month period, starting with the March 2011 bill.

After review of the record and the Stipulation of Settlement of the parties, the Board <u>HEREBY</u> <u>FINDS</u> that the parties have voluntarily agreed to the settlement as evidenced by their signatures and that by the terms of the Stipulation of Settlement, have fully resolved all outstanding contested issues in this matter.

Accordingly, the Board <u>HEREBY</u> <u>ADOPTS</u> the Initial Decision and the Stipulation of Settlement executed by the parties in their entirety as if fully set forth herein.

DATED: 4/27/11

BOARD OF PUBLIC UTILITIES BY:

LEE A. SOLOMON PRESIDENT

JØSEPH L. FIORDALISO

NICHOLAS ASSELTA COMMISSIONER

ATTEST:

azzo **KRISTI IZZO** 

SECRETARY

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

Utilities

#### DESIREE HENDERSON

V.

#### PUBLIC SERVICE ELECTRIC AND GAS COMPANY

## BPU DOCKET NO. EC10020136U OAL DOCKET NO. PUC03597-10

## SERVICE LIST

Joel L. Rachmiel, Esq. 99 Morris Avenue Springfield, New Jersey 07081

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

Caroline Vachier, DAG Division of Law 124 Halsey Street P.O. Box 45029 Newark, New Jersey 07101

Lee- Thomas Lambut Ford-Welliams



State of New Jersey OFFICE OF ADMINISTRATIVE LAW

> INITIAL DECISION SETTLEMENT OAL DKT. NO. PUC 03597-10 AGENCY DKT. NO. EC10020136U

**DESIREE HENDERSON.,** 

Petitioner,

**V**.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY,

Respondent.

Joel L. Rachmiel, Esq. on behalf of petitioner

Sheree L. Kelly, Esq. on behalf of respondent (PSE&G Services Corporation)

Record Closed: March 1, 2011

Decided: March 1, 2011

BEFORE KIMBERLY A. MOSS, ALJ:

On April 14, 2010, this matter was transmitted to the Office of Administrative Law (OAL) for hearing as a contested case pursuant to <u>N.J.S.A.</u> 52:14B-1 to-15 and <u>N.J.S.A.</u> 52:14F 1 to- 13. A telephone prehearing was scheduled and conducted on May 11, 2010 during which time a hearing was scheduled for July 19, 2010. Several status conferences were scheduled and conducted the last one being March 1, 2011 during which time the parties forwarded a copy of the fully executed Stipulation of Settlement indicating the terms of the agreement, which are incorporated herein by reference.

10020136U MAIL ROOM BOARD OF MUELIC UTILITIE NEWARK, N.J. have reviewed the record and terms of the Stipulation of Settlement and FIND:

- 1. The parties have voluntarily agreed to the settlement as evidenced by the signatures of the parties or their representatives.
- 2. The settlement fully disposes of all issues in controversy and is consistent with law.

I CONCLUDE that the agreement meets the requirements of <u>N.J.A.C.</u> 1:1-19.1 and therefore, it is ORDERED that the parties comply with the settlement terms and that these proceedings be and are hereby concluded.

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 (45) days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with <u>N.J.S.A.</u> 52:14B-10.

Arch 20(1

DATE

Date Received at Agency:

Date Mailed to Parties: March M, 201 lib

KIMBERLY A. MOSS, ALJ

march

DIRECTOR AND CHIEF ADMINISTRATIVE LAW JUDGE

FROM PSEG LAW 973-430-5983

Sheree L. Kelly Assistant General Regulatory Counsel (TUE) 3. 1'11 11:44/ST. 11:43/NO. 4260137840 P 2

Law Department 80 Park Plaza, T5G, Newark, NJ 07102-4194 tel: 973.430.6468 fax: 973.430.5983 email: sheree kelly@pscg.com



March 1, 2011

#### VIA FAX

Honorable Kimberly Moss Office of Administrative Law 33 Washington Street Newark, NJ 07102

> Re: Desirec Henderson v. PSE&G BPU Docket No. EC10020136U OAL Docket No. PUC 03597-2010N Stipulation of Settlement

Dear Judge Moss:

Enclosed please find a signed Stipulation of Settlement with reference to the above-captioned matter. Accordingly, please cancel the Status Conference scheduled for this afternoon, March 1, 2011 at 3:00 p.m.

Respectfully submitted,

Kelly the

Sheree L. Kelly

SLK/jb Enclosure

Joel I. Rachmiel, Esq. (w/enc.) cc: Edward B. Sullivan (w/enc.)

JOEL I. RACHMIEL, ESQ. 99 Morris Avenue Springfield, New Jersey 07081 (973) 467-9200 Attorney for Desiree Henderson		
Desiree Henderson	* *	OFFICE OF ADMINISTRATIVE LAW OAL Docket No. PUC 03597-10
vs.	*	STIPULATION OF RESOLUTION
PSE&G	*	AND DISMISSAL

The matter in difference in the above entitled billing dispute having been amicably adjusted by and between the parties, it is hereby stipulated and agreed that the final billing amount of \$705.55 as of January 20, 2011, shall be paid in full by Desiree Henderson within six months of the date hereof and that normal billing shall continue from that date forward, and it is further hereby stipulated and agreed that this matter be and is hereby dismissed without costs. PetrioNER WILL PAY \$117.60 PEr month.PIUS CUrrent bills FER (a months.Startwa with MARCH 2011 bill, N

SHEREE L. KEKLY, ESQ.

Attorney for PSE&G Dated: February 17, 2011

Attorney for Desiree Henderson

PSE&G SERVICES CORP. LAW DEPARTMENT

(TUE) 3. 1'11 11:43/ST. 11:43/NO. 4260137840 P 1 ou park Piaza, Newark, NJ 0/102-4194

PSEG

# FAX COVER SHEET

DATE: AL FROM: **TO:** FAX: FA 6093 TELEPHONE: **TELEPHONE:** IF YOU DO NOT RECEIVE PAGES, INCLUDING COVER SHEET, PLEASE S CALL: JUNE BARNETT AT (973) 430-8912

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