



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

FRANK REED,
Petitioner

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ORDER ADOPTING INITIAL
DECISION SETTLEMENT

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY,
Respondent

BPU DKT. NO. EC12060477U
OAL DKT. NO. PUC 9923-12

Parties of Record:

Frank Reed, appearing pro se

Amanda Johnson, Esq., appearing on behalf of Respondent, Public Service Electric and Gas Company

BY THE BOARD:

On June 1, 2012, Frank Reed ("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 N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. This matter was assigned to Administrative Law Judge ("ALJ") John F. Russo, Jr.

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 May 17, 2013 and submitted to the Board on May 22, 2013, to which the Stipulation was attached and made a part thereof, ALJ Russo found that the Stipulation was voluntary, that its terms fully disposed of all issues in controversy and that it satisfied the requirements of N.J.A.C. 1:1-19.1.

Pursuant to the Stipulation, the Petitioner was considered enrolled in the Fresh Start Program ("FSP" or "Program")¹, which began on June 1, 2012 and ended on June 1, 2013. Following the expiration date of the Program, Petitioner's arrears accrued before the start of the Program, in the amount of \$7,393.23, will be forgiven so long as Petitioner continues to make the required payments pursuant to FSP terms. In addition, Respondent will provide the Petitioner with monthly letters detailing the appropriate FSP payment amounts to submit for the respective billing periods. Petitioner will only be responsible for paying the monthly amounts requested in these letters. If Respondent understates the amount in a letter, then PSE&G has agreed at the end of the FSP one-year term to credit the customer's account with the difference between the understated amount and the proper amount. See Exhibit A attached to the Stipulation.

After review of the Initial Decision and the Stipulation of Settlement of the parties, the Board **HEREBY FINDS** that the parties have voluntarily agreed to the Stipulation 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.

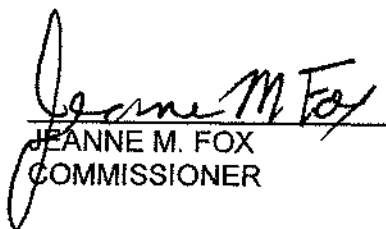
Accordingly, the Board **HEREBY ADOPTS** the Initial Decision and Stipulation of Settlement executed by the parties in their entirety as if set forth at length herein.

DATED: 6/21/13

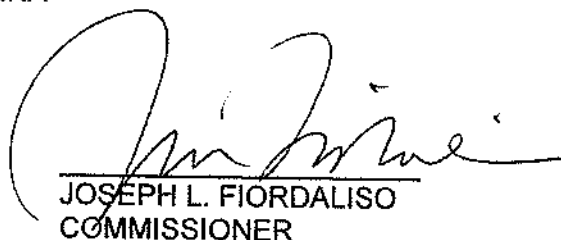
BOARD OF PUBLIC UTILITIES
BY:



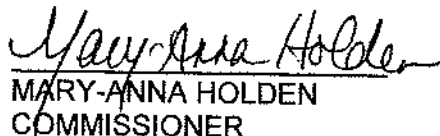
ROBERT M. HANNA
PRESIDENT



JEANNE M. FOX
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER



MARY-ANNA HOLDEN
COMMISSIONER

ATTEST:



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



¹ "Fresh Start" is an arrearage forgiveness program that was implemented by the Board on March 4, 2004, Dkt No. EX00020091, in order to assist first-time Universal Service Fund ("USF") recipients with their pre-USF utility arrearages.

FRANK REED

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU DOCKET NO. EC12060477U
OAL DOCKET NO. PUC9923-12

SERVICE LIST

Frank Reed
817 Matlock Drive
Moorestown, New Jersey 08057

Amanda Johnson, Esq.
PSEG Services Corporation
80 Park Plaza – T5
Newark, New Jersey 07102-4194

Eric Hartsfield, Director
Division of Customer Assistance
Board of Public Utilities
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Julie Ford-Williams
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Trenton, New Jersey 08625-0350

Veronica Beke, DAG
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, New Jersey 07101



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 9923-12

AGENCY DKT. NO. EC120800477U

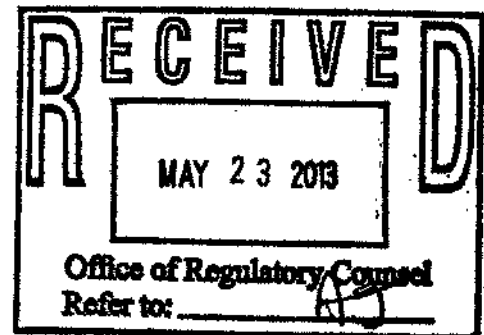
FRANK REED,
Petitioner,

v.

**PUBLIC SERVICE ELECTRIC
AND GAS COMPANY,**
Respondent.

Frank Reed, petitioner, pro se

Amanda Johnson, Esq. for respondent



Record Closed: May 16, 2013

Decided: May 17, 2013

BEFORE JOHN F. RUSSO, JR., ALJ:

This matter was transmitted to the Office of Administrative Law on July 24, 2012, 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.

The parties have agreed to a settlement and have prepared a Stipulation of Settlement indicating the terms thereof, which is attached and fully incorporated herein.

The scheduled date of May 17, 2013, was adjourned in advance after the parties advised that they had negotiated a settlement.

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

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

DATE

May 17, 2013



JOHN F. RUSSO, JR., ALJ

Date Received at Agency:

Date Mailed to Parties:
/bdt

5/20/13

Amanda Johnson
Counsel

Law Department
80 Park Plaza, T5, Newark, NJ 07102-4194
tel: 973.430.6403 fax: 973.645.1307
email: amanda.johnson@pseg.com

2013 MAY 16 A 11:14
 **PSEG** NEW JERSEY
Services Corporation

May 15, 2013

FAX & UPS Next Day

Honorable John F. Russo
Office of Administrative Law
Quakerbridge Plaza, Bldg. 9
Quakerbridge Road
PO Box 049
Mercerville, NJ 08625-0049

Re: Frank Reed v. PSE&G
BPU Docket No. EC12060477U
OAL Docket No. PUC 09923-2012S
Stipulation of Settlement

Dear Judge Russo:

Enclosed please find a signed Stipulation of Settlement with reference to the above-captioned matter. Accordingly, please cancel the hearing scheduled for May 17, 2013 at 9:00 a.m.

Respectfully submitted,


Amanda Johnson

AJ/jb
Enclosure

cc: Frank Reed (w/enc.)
Edward B. Sullivan (w/enc.)

STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

2013 MAY 16 A 11:30

Frank Reed)
)
Petitioner,) BPU DOCKET NO. EC12060477U
)
v.) OAL DOCKET NO. PUC 09923-2012 S
)
)
Public Service Electric & Gas Company) STIPULATION OF SETTLEMENT
)
Respondent.)

STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW
107 N. HICKORY ST. SUITE 200
TRENTON, NJ 08646-2000

On or about June 1, 2012, Petitioner filed the above-referenced billing dispute. Public Service Electric & Gas Company ("PSE&G" or "Respondent") filed an answer to Petitioner's 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.

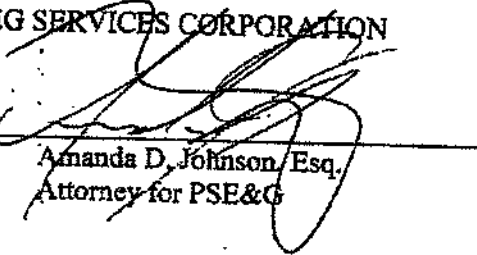
In the interests of resolving this matter without further delay, extensive effort and cost, the parties hereto agreed to settle this matter in accordance with the following terms:

1. Petitioner Frank Reed ("Mr. Reed" or "Petitioner") will maintain participation in the Fresh Start Program ("FSP" or "Program"), which began on June 1, 2012 and ends on June 1, 2013. Petitioner's arrears, totaling \$7,393.23, will be forgiven following expiration of the Program date so long as Petitioner continues to make the required payments pursuant to the terms of the Program. Further explanation of the Program is attached as **Exhibit A**.
2. PSE&G agrees to provide Petitioner with monthly letters detailing the appropriate FSP payments to submit for the respective billing periods. During the term of the Program, Mr. Reed will only be responsible for making monthly payments in the amounts requested in these letters. Further details of these terms are attached as **Exhibit A**.
3. This agreement is in settlement of the Petition filed by Petitioner on or about June 1, 2012.
4. 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.

PSEG SERVICES CORPORATION

DATED: 5/15/2013

By:


Amanda D. Johnson, Esq.
Attorney for PSE&G

PUBLIC SERVICE ELECTRIC & GAS CO.

DATED: 5/15/2013

By:


Edward Sullivan
Manager - Customer Relations

PETITIONER

DATED: 5/10/13

By:


Frank Reed
Petitioner

EXHIBIT A

Exhibit A

Amanda Johnson, Esq.
Counsel

Law Department
80 Park Plaza, T5, Newark, NJ 07102-4194
tel: 973.430.6403 fax: 973.645.1307
email: amanda.johnson@pseg.com



March 7, 2013

Frank Reed
817 Matlack Drive
Moorestown, NJ 08057

Re: Frank Reed v. PSE&G
BPU Docket No. EC12060477U
OAL Docket No. PUC 09923-2012S

Dear Mr. Reed:

Pursuant to our conference on February 28, 2013 and in a continuing effort to work together to settle the above-referenced complaint, Respondent Public Service Electric & Gas Company ("PSE&G" or "Respondent") submits this letter to address your remaining concerns.

Concern 1: Would you still qualify for forgiveness under the Fresh Start Program ("FSP" or "Program") if you miss payments, but pay the full FSP balance before the expiration of the Program.

In short, yes, you would still qualify to receive the forgiveness as long as you satisfy your FSP balance by the term end-date. However, note that the FSP relates to arrearages accrued before the start of the Program. This means that customers are still responsible for keeping up with current usage charges. Accordingly, there remains a risk of service interruption if a customer does not pay his/her current bills and accumulates a new non-FSP-related arrearage balance.

As stated in our previous correspondence, no payments have been made for the FSP or current usage charges on your account since September, 2012.

Concern 2: Ed Sullivan of PSE&G explained that if there are any complications, PSE&G will still honor its terms. You are seeking clarity on what this means.

As offered in the Stipulation of Settlement, PSE&G agrees to send monthly letters detailing the appropriate FSP payments to submit for the respective billing periods. The Stipulation further states that during the term of the program, you "will only be responsible for making monthly payments in the amounts requested in these letters." Mr. Sullivan's statement to you was in this context and was stated to further clarify our accountability under the terms of the Stipulation.

In summary, in the event that PSE&G sends a letter requesting an amount less than what is required under the FSP, PSE&G would make you whole for the remaining FSP amount due for that month. For example, if a letter states that you should pay \$3,000 and the correct FSP amount is \$4,000, PSE&G would credit your account for the \$1,000 difference, which would be applied at the end of the Program.

Please do not hesitate to call me at 973-430-6403 if you have any further questions or would like to modify the Stipulation to include the aforementioned explanations. Otherwise, we will await your signature on the October 4, 2012 Stipulation of Settlement.

Respectfully submitted,


Amanda Johnson, Esq.

cc: Honorable John F. Russo
Edward Sullivan