



Agenda Date: 6/21/13

Agenda Item: VIID

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

MAYLOCK REALTY CORPORATION,
Petitioner

v.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY,
Respondent

ORDER CONCLUDING THE
PROCEEDINGS

BPU DOCKET NO. EC12030187U
OAL DOCKET NO. PUC 04966-2012N

Parties of Record:

Rosa Conti, Esq., Grayson & Associates, appearing for Petitioner, Maylock Realty Corporation
Amanda Johnson, Esq., appearing for Respondent, Public Service Electric and Gas Company

STATEMENT OF THE CASE

The issue before the New Jersey Board of Public Utilities ("Board") is whether to affirm an Initial Decision of Administrative Law Judge Tiffany M. Williams ("ALJ Williams"), which approved a settlement of a billing dispute between Petitioner, Maylock Realty Corporation, and Respondent, Public Service Electric and Gas Company, even though the settlement failed to identify the balance due in each account that was awarded a credit and failed to identify the scope of the settlement. The Board will conclude the proceedings based on the Board's reasoning as detailed below.

PROCEDURAL HISTORY

On or about February 29, 2012, Petitioner filed a Petition, which alleged that Respondent had failed to provide it with accurate bills for the periods when it managed certain properties and was responsible to pay the utility bills for each such property. The Petition alleged that: (a) Petitioner was a realtor that was in the business of managing properties while they are owned by lenders and then marketing the properties for sale; (b) the utility bills were in Petitioner's name during the period that Petitioner managed a property for a lender/owner; (c) Petitioner needed, and asked Respondent to provide, a bill for each property as of the date the lender/owner obtained title to the property and a bill as of the date the lender/owner sold the property and the new owner became responsible for paying for the utility services; and (d) Respondent failed to provide Petitioner with utility bills that accurately reflected the utility services that Respondent provided during the period that Petitioner was responsible for paying

for those services. The Petition alleged that during the period that it was trying to resolve its disputes with Respondent, Respondent sent it bills for properties which neither it nor its owner was responsible for paying, transferred bills from accounts for properties that Petitioner did not own to Petitioner's account, and sent contested bills to collection agencies. The Petition, and the documents attached to the Petition, identified six accounts – 6947312108, 6883380205, 6963606102, 6863657007, 6883138991 and 6540554303 -- with respect to which there were problems. One of the six accounts had multiple properties associated with it. Specifically, account 6947312108 was associated with the following properties: 87 3rd Ave., Newark, N.J.; 31 Pacific St., Floor 1, Newark, N.J.; and 13 Edgerton Terrace, E. Orange, N.J. Accounts 6963606102 and 6883138991 did not identify the properties for those accounts.

Respondent filed an answer on April 5, 2012. On April 13, 2012, the Board notified the parties that it had transferred the matter to the Office of Administrative Law as a contested case.

The matter was scheduled for a hearing on March 26, 2013. Subsequent to the hearing, the parties entered into a settlement agreement ("Settlement Agreement"), which they submitted to ALJ Williams for approval. The Settlement Agreement stated that it was "in settlement of the Petition filed by Petitioner on or about February 29, 2012." It included mutual promises to ensure that the Respondent would be able to provide Petitioner with an accurate meter reading for a property before Petitioner opened an account at that property and an actual meter reading when Petitioner's management of the property ceased and it wanted to close the account. It also included statements that: (a) Petitioner and Respondent "agree that all future bills shall be in the name of Maylock Reality only and not the name of the owner and/or any sales agents of Maylock Reality;" and (b) Respondent would, at Petitioner's request, issue "a letter to any credit reporting companies or credit collection companies that such billing to individuals was in error." Respondent agreed to cancel bills it had sent to Petitioner with respect to two accounts at one property and one account at a second property. Respondent also agreed to provide a credit with respect to twelve accounts at eight properties and a credit with respect to an additional property, 1243 Erhardt St., Union, N.J., for which no account was identified. The Settlement Agreement was signed by an officer of, and an attorney for, each party.

On March 28, 2013, ALJ Williams issued an Initial Decision in which she found that "the parties have voluntarily agreed to the settlement as evidenced by their signatures or their representatives' signatures" and that "the settlement fully disposes of all of all issues in controversy and is consistent with the law." Based on these findings, ALJ Williams found that the Settlement Agreement met the requirements of N.J.A.C. 1:1-19.1.

DISCUSSION AND FINDINGS OF LAW

N.J.A.C. 1:1-19.1(a)(1) permits parties to settle a matter through a written consent order or stipulation that discloses the full settlement terms and is signed by all parties or their attorneys. N.J.A.C. 1:1-19.1(b) states that if the judge determines that "the settlement is voluntary, consistent with the law and fully dispositive of all issues in controversy, the judge shall issue an initial decision incorporating the full terms and approving the settlement."

Reviewing the Settlement Agreement, the Board notes that less than half of the properties and accounts that were given credits were listed in the Petition. Although the Settlement Agreement identified the amount of the credit for each account, it did not identify the balance owed on each account after receipt of the credit. The Settlement Agreement also does not identify the account at 1243 Erhardt St., Union, N.J. that was entitled to the credit. Moreover, the Settlement Agreement did not set forth the disposition nor the status of the three accounts -- 6863657007,

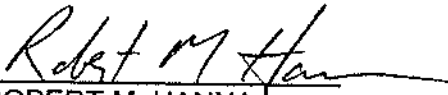
6883138991 and 6540554303 -- that were identified in the Petition but not mentioned in the Settlement Agreement.

Notwithstanding this lack of clarity over the claims being resolved in the Settlement Agreement and the balance due, if any, on the accounts which received a credit, the Board will consider this matter to be closed. Following the issuance of the Initial Decision, Board Staff received electronic confirmation from each party's legal representative noting that the clients are satisfied with the Settlement Agreement and the resolution of this matter. Petitioner's attorney further stated that her "client does not want to pursue this matter any longer."

After review of the record and the parties' electronic submissions, the Board **HEREBY FINDS** that this matter is **CONCLUDED**.


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



MAYLOCK REALTY CORPORATION

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU DOCKET NO. EC12030187U
OAL DOCKET NO. PUC04966-2012N

SERVICE LIST

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Bureau of Case Management
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Law Department
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Newark, NJ 07102-4194

Eric Hartsfield, Director
Julie Ford-Williams
Division of Customer Assistance
Board of Public Utilities
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Joshua T. Rabinowitz, DAG
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, NJ 07101

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CASE MANAGEMENT



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

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INITIAL DECISION SETTLEMENT

OAL DKT. NO. PUC 4966-12
AGENCY DKT. EC12030187U

MAYLOCK REALTY CORPORATION,

Petitioner,

v.

PUBLIC SERVICE ELECTRIC

AND GAS COMPANY,

Respondent.

Rose Conti, Esq., for petitioner (Grayson & Associates, attorneys)

Amanda Johnson, Esq., appearing for respondent

Record Closed: March 26, 2013

Decided: March 28, 2013

BEFORE TIFFANY M. WILLIAMS, ALJ:

This matter was transmitted to the Office of Administrative Law on April 18, 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. On March 26, 2013 the matter was scheduled for hearing, subsequent to the hearing date, the matter was settled.

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

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.

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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.

March 28, 2013
DATE

Tiffany M. Williams
TIFFANY M. WILLIAMS, ALJ

Date Received at Agency:

Date Mailed to Parties:

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STATE OF NEW JERSEY
 OFFICE OF ADMINISTRATIVE LAW

Maylock Realty)
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 Petitioner.) BPU DOCKET NO. EC12030187U
)
 v.) OAL DOCKET NO. FUC 04966-2012
)
)
 Public Service Electric & Gas Company) STIPULATION OF SETTLEMENT
)
 Respondent.)

On or about February 29, 2012 Petitioners filed the above-referenced billing dispute. Respondent, Public Service Electric & Gas Company ("PSE&G" or "Respondent"), filed an answer to Petitioners' petition and the New Jersey Board of Public Utilities ("NJBPU" 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 costs, the parties hereto agreed to settle this matter in accordance with the following terms:

1. PSE&G agrees to issue to Petitioner credits in the amounts listed in the table below for the properties described therein:

	PROPERTY	CREDITS
1.	12 Edgerton Terr., East Orange 07017 (Account No 6963606102)	Credit: \$414.34
2.	31 Pacific Ave., Newark, NJ 07105 (Account No. 6947902908)	Credit: \$44.11
3.	31 Pacific Ave., Newark, NJ 07105 (Account No. 6947903203)	Credit: \$220.26
4.	31 Pacific Ave., Newark, NJ 07105 (Account No. 6946936809)	Credit: \$65.26
5.	468 S 18 th St., Newark, NJ 07103 (Account No. 5001345944)	Credit: \$362.97
6.	1243 Erhardt St., Union, NJ 07083	Credit: \$54.95
7.	92 Hawthorne Ave., Newark, NJ 07112	Credit: \$60

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	(Account No. 6927563407)	
8.	92 Hawthorne Ave., Newark, NJ 07112 (Account No. 6927422706)	Credit: \$237.48
9.	43 Hermon St., Newark, NJ 07105 (Account No. 6908666700)	Credit: \$157.37
10.	87 3 rd St., Newark, NJ 07107 (Account No. 6883330704)	Credit: \$500
11.	18 Homestead Park, Newark, NJ (Account No. 6863441705)	Credit: \$109.60
12.	31 Leslie Place, Irvington, NJ (Account No. 1101813172)	Credit: \$86.03
13.	31 Leslie Place, Irvington, NJ (Account No. 1101812885)	Credit: \$255.96

ADDITIONAL PROPERTIES CONTINUED ON NEXT PAGE

2. Petitioner agrees to contact Respondent when Petitioner seeks to establish utility service at a new property. Respondent agrees to send a PSE&G representative to the new property to obtain an actual meter reading before opening the account. Petitioner agrees to have a representative present at the location in order for the PSE&G representative to obtain the reading.

3. Petitioner agrees to immediately notify PSE&G when its management of a property will cease. Respondent will return to the property to obtain an actual meter reading before closing the account for the related property.

4. This agreement is in settlement of the Petition filed by Petitioner on or about February 29, 2012.

3. 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.

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PSEG SERVICES CORPORATION

DATED: 3/25/13

By: [Signature]
Amanda D. Johnson, Esq.
Attorney for PSE&G

PUBLIC SERVICE ELECTRIC & GAS CO.

DATED: 3/25/13

By: [Signature]
Edward Sullivan
Manager of Customer Operations

GRAYSON AND ASSOCIATES, L.L.C.

DATED: 3-21-13

By: [Signature]
Rosa Conti, Esq.
Attorney for Maylock Realty Corp.

MAYLOCK REALTY CORPORATION

DATED: 3-21-13

By: [Signature]
Macey Bullock
President of Maylock Realty Corp.