



Agenda Date: 4/21/17
Agenda Item: VIIB

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CUSTOMER ASSISTANCE

IAN STRASSLER,¹
Petitioner,

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY,
Respondent.

ORDER OF EXTENSION

BPU DOCKET NO. EC15091076U
OAL DOCKET NO. PUC 11836-16

(SERVICE LIST ATTACHED)

The Initial Decision of the Administrative Law Judge was received by the Board of Public Utilities (Board) on April 10, 2017; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on May 25, 2017. Prior to that date, the Board requests an additional 45-day extension of time for issuing the Final Decision in order to adequately review the record in this matter.

Good cause having been shown, pursuant to N.J.S.A. 52:14B-10(c) and N.J.A.C. 17:27-18.8, **IT IS ORDERED** that the time limit for the Board to render a Final Decision is extended until July 10, 2017.

DATED:

4/21/17

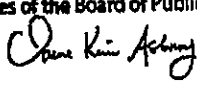
BOARD OF PUBLIC UTILITIES
BY:²


RICHARD S. MROZ
PRESIDENT

ATTEST:


IRENE KIM ASBURY
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 The caption for the Initial Decision by Joseph A. Ascione, ALJ, was amended to "Ian Strassler, Deceased, Stephen Strassler, Heir at Law." However, no documentation or proof of death was ever provided to the Office of Administrative Law and no substitution of parties was ever requested.

² Authorized by Board to execute this Order of Extension on its behalf.

Date Board mailed Order to OAL: 4/21/17

cc: Service List Attached

DATED: 4/25/17



LAURA SANDERS, ACTING
DIRECTOR & CHIEF
ADMINISTRATIVE LAW JUDGE

Date OAL mailed executed Order to Board:

4/25/17

Date Board mailed executed Order to Parties:

4/25/17

IAN STRASSLER

V.

**PUBLIC SERVICE ELECTRIC AND GAS COMPY
BPU DOCKET NO. EC15091076U
OAL DOCKET NO. PUC 11836-16**

SERVICE LIST

Stephen Strassler
416 Browning Lane
Cherry Hill, NJ 08003

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C.A.
4/11/17
DB



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. PUC 11836-16
AGENCY DKT. NO. EC15091076U

IAN STRASSLER, DECEASED
STEPHEN STRASSLER, HEIR AT LAW,

Petitioner,

v.

PUBLIC SERVICE ELECTRIC
AND GAS COMPANY,

Respondent.

Michael Botton, Esq., for petitioner

Samuel A. Wolfe, Esq., for respondent

Record Closed: March 1, 2017

Decided: April 10, 2017

BEFORE **JOSEPH A. ASCIONE, ALJ:**

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioner disputes the electrical billing of \$6,090.22, for multiple months for his residence at 416 B. Lane, Cherry Hill, NJ. On August 5, 2016, this matter was transmitted to the Office of Administrative Law (OAL) 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 OAL conducted hearings on November 21, 2016 and December 12, 2016. An issue arose as no one had letters of administration or testamentary for the estate of Ian Strassler.

This office informed petitioner's counsel that the petitioner would be dismissed if letters were not provided by December 12, 2016. No letters or death certificate were filed. The record closed on March 1, 2017.

FACTUAL DISCUSSION AND FINDINGS

At the November 21, 2016, hearing, counsel for petitioner represented the death of petitioner, request of petitioner's counsel to produce letters of administration or testamentary were requested by the tribunal, none were provided, nor did counsel provide proof of death. The hearing proceeded on November 21, 2016, with respondent offering testimony regarding the billing and procedural steps taken. Petitioner's counsel attended and defended the hearing application. Petitioner's counsel represented that he also represented the son and heir of the property.

Respondent presented testimony from James T. Walsh, a Senior Customer Relations Consultant, employed by respondent for over thirty-eight years. He testified to the replacement of meters and testing. He testified that the outstanding amount resulted from failure to make full payments keeping up with the billing, and eventual failure to make any payments at all. He never attended at the premises. His testimony was accepted as credible. He testified to the exhibits R-1 to R-8.

Petitioner's son, Stephen, offered no testimony and petitioner had predeceased.

I have reviewed the testimonial record and I FIND:

1. The customer has formally disputed high billing to the Board of Public Utilities.
2. Petitioner's billing may be slightly high for the building size but it is not disproportionately inconsistent with billings for similarly sized residences in the area.
3. Respondent, at the request of petitioner, replaced the meter on numerous occasions. Each meter testing was consistently accurate within less than one percent of accuracy. These testing are acceptable public utility guidelines.

4. Petitioner's large outstanding balance is the result of failure to make full payments in the past and the failure to make payment since July 28, 2015.
5. The outstanding balance is \$6,090.22.

LEGAL DISCUSSION

In this administrative proceeding, the petitioner bears the burden of proof by a preponderance of the competent, credible evidence as to those matters that are before the OAL. Atkinson v. Parsekian, 37 N.J. 143 (1962): Evidence is found to preponderate if it establishes the reasonable probability of the facts alleged and generates reliable belief that the tendered hypothesis, in all likelihood, is true. See Loew v. Union Beach, 56 N.J. Super. 93, 104 (App. Div.), certif. denied, 31 N.J. 75 (1959).

N.J.A.C. 14:5-4.3(a) states:

No meter that has an error in registration of more than plus or minus two percent shall be placed in service or allowed to remain in service without adjustment.

N.J.A.C. 14:3-4.6(a) states:

Whenever a meter is found to be registering fast by more than two percent or in the case of water meters, more than one and one half percent, an adjustment of charges shall be made in accordance with this section. No adjustment shall be made if a meter is found to be registering less than 100 percent of the service provided.

CONCLUSION

In this case, the meters which were removed from the petitioner's apartment, were tested and registered within less than one-percent inaccuracy. The amount is within the two percent margin permitted in accordance with the regulation. Petitioner could not provide any legally competent evidence to support the claim that the meter was inaccurate. I therefore **CONCLUDE** that the meters were accurate, as were the bills in question.

I **CONCLUDE** that the respondent has properly billed the petitioner.

I **CONCLUDE** the petitioner has failed to pay his billing obligations to respondent in at least the amount of \$6,090.22

ORDER

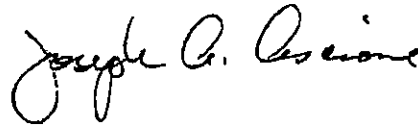
I **ORDER** the petition to be **DISMISSED** for petitioner's failure to present any evidence to support its position at the hearing.

I **ORDER** the petition to be **DISMISSED** for respondent's proof that petitioner is obligated to respondent in at least the amount of \$6,090.22.

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.

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, 44 South Clinton Avenue, P.O. Box 350, Trenton, NJ 08625-0350**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.



April 10, 2017
DATE

JOSEPH A. ASCIONE, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

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APPENDIX

LIST OF WITNESSES

For Appellant:

None

For Respondent:

James T. Walsh, PSE&G Service Center Relations Consultant

LIST OF EXHIBITS

For Appellant:

None

For Respondent:

- R-1 Statement of Billing and Payment
- R-2 Meter Testing 1/20/12
- R-3 Meter Testing 5/1/14
- R-4 Meter Testing 6/5/15
- R-4A June 8, 2015, correspondence to Stephen Strassler
- R-5 Meter Testing 11/15/16
- R-6 Billing and Payment History
- R-7 Monthly Billings
- R-8 Meter Reading Unit 076187