



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

SANDEEP KATYAL,)	ORDER ADOPTING
Petitioner)	INITIAL DECISION
)	
v.)	
)	
MIDDLESEX WATER COMPANY,)	DOCKET NO. WC19101325U
Respondent)	OAL DOCKET NO. PUC 15778-19

Parties of Record:

Sandeep Katyal, Petitioner, pro se
Jay L. Kooper, Esq., on behalf of Respondent, Middlesex Water Company

BY THE BOARD:

This matter is a billing dispute between Sandeep Katyal (“Petitioner”) and Middlesex Water Company (“MWC” or “Respondent”). This Order sets forth the procedural history and factual background of Petitioner’s claims and represents the Final Order in the matter pursuant to N.J.S.A. 52:14B-10(c). Having reviewed the record, the Board of Public Utilities (“Board”) now **ADOPTS** the Initial Decision rendered on February 9, 2021, as follows.

PROCEDURAL HISTORY

On October 1, 2019, Petitioner filed a petition with the Board. MWC filed an answer to the petition on October 15, 2019. This matter was transferred to the Office of Administrative Law (“OAL”) on November 7, 2019 as a contested case pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -23. This matter was assigned to Administrative Law Judge (“ALJ”) Judith Lieberman.

At a status conference before ALJ Lieberman on December 10, 2019, Respondent advised that it would be filing a motion for summary decision. ALJ Lieberman issued a briefing schedule where Respondent would file its brief on or before January 24, 2020, with Petitioner filing his brief by February 26, 2020. The motion for summary decision was filed, but no response from Petitioner was received by the February 26, 2020 due date.

Efforts were made to contact Petitioner in the spring and summer of 2020. By email dated August 27, 2020, Petitioner informed the ALJ that he would not be submitting a brief in opposition to MWC’s motion for summary decision. A status conference was held with the parties on November

6, 2020. At the status conference, Petitioner indicated that he would not file further opposition to MWC's motion for summary decision, but that he wanted his August 27, 2020 email and attachments to serve as opposition to MWC's motion. MWC advised that it did not intend to reply to Petitioner's submission.

On February 9, 2021, ALJ Lieberman issued an initial decision granting MWC's motion for summary decision, and dismissing Katyal's petition. No exceptions to ALJ Lieberman's decision were filed.

FACTUAL BACKGROUND

The summary decision record established in the OAL demonstrated the following uncontroverted facts.

Petitioner was a customer of MWC with an account for water service at his residence in Colonia, New Jersey (the "property"). MWC provided service to the property effective February 11, 2019. Petitioner purchased the property on February 4, 2019, and moved into it on February 28, 2019. Petitioner established water service at the property in February of 2019.

MWC issues bills on a quarterly basis. Petitioner's first quarterly bill was for the period February 11, 2019 through May 20, 2019, and was issued on August 15, 2019. That bill indicated a water usage of 313 centum cubic feet ("CCF"), resulting in a bill of \$1,509.94. Petitioner's second quarterly bill, for the period of May 20, 2019 through August 20, 2019 was issued on August 22, 2019, and indicated a water usage of 90 CCF, resulting in charges of \$484.67. Petitioner's next quarterly bill, for the period August 20, 2019 through November 18, 2019, was issued on November 19, 2019 and reflected a usage of 24 CCF, resulting in charges of \$181.24. Petitioner has paid all of the bills for his account commencing with the third quarter bill. He disputes the bills for the first two quarters, which remain unpaid, and seeks a waiver of the charges or a recalculation of the bills.

Petitioner contacted MWC on August 22, 2019 to express concern about his first quarterly bill, dated August 15, 2019, and to request an on-site inspection of the property. An MWC employee inspected the meter at the property, and found it to be functioning properly on August 26, 2019. The MWC employee found no evidence of a leak at the property, that the prior meter read used to generate the bill on August 22, 2019 was accurate, and that there was no spin on the meter. MWC advised Petitioner of its findings by letter dated August 26, 2019, and further advised Petitioner that, despite his concerns about the high bill, its investigation indicated that MWC billed Petitioner properly for the water that was actually delivered through the meter.

Petitioner requested the water meter to be inspected on August 26, 2019 after the inspection of the property was completed. An MWC employee removed the meter at the property (meter 71636073), and installed a replacement meter (meter 81545771) on September 3, 2019. The removed meter was subsequently tested on September 9, 2019, and found to be within the acceptable limits of accuracy the Board has established pursuant to N.J.A.C. 14:3-4.6. The equipment used to test the meter was inspected and certified by the New Jersey Office of Weights and Measures on July 23, 2018. On September 10, 2019, MWC advised Petitioner of the test results and that the bills he received reflected the amount of water actually delivered through the meter.

THE INITIAL DECISION

After reviewing the parties' submissions, Judge Lieberman concluded that there were no genuine issues of material fact in the record, and pursuant to N.J.A.C. 1:1-12.5, MWC was entitled to judgment as a matter of law.

The ALJ first noted that the Petitioner bears the burden of proof by a preponderance of the competent evidence. The ALJ stated that as the customer of record of MWC, Petitioner was "responsible for payment of all utility service rendered," N.J.A.C. 14:3-7.1, but that he was permitted to dispute a utility charge before the board and request that the utility perform a test of his water meter, to determine whether it is functioning properly. See N.J.A.C. 14:3-7.6; N.J.A.C. 14:3-4.5. The ALJ next reviewed our regulations establishing the parameters to be applied when a meter is tested, and the standards that must be met by equipment used to test meters. See N.J.A.C. 14:3-4.4 to -4.6. ALJ Lieberman noted the great weight we give to tests that measure a meter's accuracy.

ALJ Lieberman reasoned that Petitioner owned the property during the billing period at issue. An inspection of that property by MWC revealed no evidence of leaks at the property. Furthermore, the meter tested within acceptable limits of accuracy on equipment which had been certified by the New Jersey Office of Weights and Measures. Giving weight to the evidence that the meter was operating accurately, ALJ Lieberman concluded that MWC followed proper procedures, inspected the property and found no leaks, and that the results of the meter test demonstrated that the meter was accurately registering water service to the property. ALJ Lieberman rejected Petitioner's argument that overcharges were demonstrated by the differences in the bills for the challenged periods, reasoning that he had failed to offer any documentation or detail sufficient to create a genuine issue of material fact concerning the accuracy or propriety of the bills at issue. Accordingly, ALJ Lieberman granted MWC's motion for summary decision, and dismissed the petition.

DISCUSSION AND FINDINGS

In customer billing disputes before the Board, a Petitioner bears the burden of proof by a preponderance of the competent, credible evidence. See Atkinson v. Parsekian, 37 N.J. 143, 149 (1962). Petitioner has failed to carry his burden.

A motion for summary decision may be made upon all or any of the substantive issues in a contested case. N.J.A.C. 1:1-12.5(a). A summary decision may be rendered if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law. N.J.A.C. 1:1-12.5(b). Determining whether a genuine issue with respect to a material fact exists requires consideration of the competent evidential materials presented, when viewed in the light most favorable to the non-moving party, are sufficient to permit a rational fact finder to resolve the alleged disputed issue in favor of the non-moving party. Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 540 (1995).

The Board adopts ALJ Lieberman's finding that, based upon the evidence presented, MWC followed proper procedures, inspected the property and found no leaks, tested the meter at the customer's request, and found it to be within the accuracy parameters of N.J.A.C. 14:9-4.1(d). We give "great weight to tests that measure meters' accuracy." Sing Sing Han Brewery, LLC v.

Aqua N.J., Inc., 2013 N.J. Agen. LEXIS 501 (May 24, 2013); see also Kohli v. Jersey Central Power & Light Co., 2011 N.J. PUC LEXIS 116 (May 16, 2011).

Petitioner seeks a waiver of the charges assessed to him for the February-May 2019 and May-August 2019 billing periods. Petitioner argues that the difference in cost of water service between the two challenged periods and the subsequent billing periods demonstrates that the meter was not accurately measuring water service during the challenged periods. Petitioner does not challenge or dispute the results of the test of meter 71636073 conducted on September 9, 2019, nor does he challenge the accuracy of the testing equipment which had been certified by the New Jersey Office of Weights and Measures. Given the great weight that we accord to tests that measure a meter's accuracy, Petitioner must offer more than an assertion of meter inaccuracy to overcome a motion for summary decision. Petitioner failed to carry that burden before the ALJ.

Accordingly, the Board **HEREBY ADOPTS** the Initial Decision in its entirety and **ORDERS** that the Petition be **DISMISSED**.

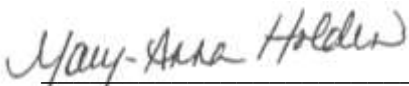
This order shall be effective March 25 2021.

DATED: March 24, 2021

BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER



ROBERT M. GORDON
COMMISSIONER

ATTEST:



AIDA CAMACHO-WELCH
SECRETARY

SANDEEP KATYAL

V.

MIDDLESEX WATER COMPANY

**BPU DOCKET NO. WC19101325U
OAL DOCKET NO. PUC 15778-2019S**

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State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION GRANTING
MOTION FOR SUMMARY DECISION

OAL DKT. NO. PUC 15778-19
AGENCY DKT. NO. WC19101325U

SANDEEP KATYAL,

Petitioner,

v.

MIDDLESEX WATER COMPANY,

Respondent.

Sandeep Katyal, petitioner, pro se

Jay L. Kooper, Esq., for respondent, Middlesex Water Company

Record Closed: November 6, 2020

Decided: February 9, 2021

BEFORE **JUDITH LIEBERMAN**, ALJ:

STATEMENT OF THE CASE

Petitioner, Sandeep Katyal (“petitioner”), appealed the amount billed by respondent, Middlesex Water Company (“MWC” or “respondent”), for water service provided from February 11, 2019, through May 20, 2019. He asserts the amount billed for this period exceeded the amount he was required to pay based on his usage.

Respondent moved for summary decision, contending that petitioner has not demonstrated that the charge was excessive.

PROCEDURAL HISTORY

On October 1, 2019, petitioner filed a petition with the Board of Public Utilities (“BPU” or “Board”). Respondent filed an answer the petition on October 15, 2019. On November 7, 2019, the matter was transmitted to the Office of Administrative Law, for a hearing as a contested case. N.J.S.A. 54:14B-1 to -15 and N.J.S.A. 14F-1 to -13. A status conference was conducted on December 10, 2019, during which respondent advised it intended to file a motion for summary decision. As petitioner advised that he would be out of the country commencing January 26, 2020, the following briefing schedule was established: respondent was to file its brief by January 24, 2020, and petitioner was to his brief by February 26, 2020. Petitioner’s brief in opposition to the motion for summary decision was not received by the established due date.

On March 18, 2020, State government offices, including the Office of Administrative Law, closed due to the COVID-19 pandemic. Although petitioner did not submit a brief or otherwise communicate with my office during a period of months, given the unusual circumstances, my legal assistant attempted to contact petitioner to confirm his status with respect to the summary decision motion. The attempts to contact petitioner were unsuccessful. On August 24, 2020, I sent a letter to petitioner in which I asked him to explain his failure to respond to the motion and advised that his failure to respond or demonstrate good cause may result in the return of the matter to the transmitting agency pursuant to N.J.A.C. 1:1-14.4. On September 1, 2020, petitioner replied to the letter by way of email. He wrote that he did not submit a brief in opposition to the motion for summary decision because he could not meet the deadline due to his travel outside the country with his family. He wrote that, based on the facts of the matter, “I feel that there is some discrepancy in the first two bills and we will have to do a lot of discovery to arrive at the exact cause of the issue. However, since the disputed amount is not very large to justify the effort and cost to do that I request you to please consider my case.” Pet. August 27, 2020, email. He attached copies of his water bills to the email.

No further communication was received from petitioner or respondent. It was subsequently discovered that petitioner did not copy counsel for respondent on his September 1, 2020, email. On October 30, 2020, my legal assistant forwarded petitioner's email and attachments to counsel for respondent and a status conference was scheduled for November 6, 2020. During the conference, petitioner was asked if he wished to further respond to the pending summary decision motion. Petitioner replied that he would not make further submissions in opposition to the motion for summary decision and that he wanted his August 27, 2020, email and attachments to serve as his opposition to the motion. Respondent advised that it did not intend to reply to petitioner's submission.

FACTUAL DISCUSSION AND FINDINGS

The following underlying facts, derived from the contents of the parties' petitions, briefs and exhibits, are uncontroverted:

1. Petitioner was a customer of MWC, with an account for water service at his residence in Colonia, New Jersey (the "property"). MWC provided service to the property under account No. XXXXXX1931 (the "account"), effective February 11, 2019.
2. Petitioner purchased the property on February 4, 2019, and moved into it on February 28, 2019. October 1, 2019, Petition ("Petition").¹
3. Petitioner did not contact MWC to establish service until after he moved into the property.²
4. Petitioner owned the property during the billing periods at issue, which began February 11, 2019.

¹ Petitioner's original petition to BPU is undated but a stamp on the document indicates it was received by BPU on October 1, 2019.

² Respondent asserted petitioner contacted MWC on February 26, 2019, to initiate service. Resp. Brief at 1. Petitioner asserted he transferred service into his name after he moved into the property on February 28, 2019. Pet's August 27, 2019, email at 1.

5. MWC issues bills on a quarterly basis. The first quarterly bill period for petitioner's account was February 11, 2019, through May 20, 2019. The bill for that period was issued on August 15, 2019. That bill "indicated a high water usage of 234,124 gallons or 313 centum cubic feet ("CCF") resulting in a total bill amount of \$1,509.94." Resp. Brief at 2, R-A.
6. On August 22, 2029, MWC issued a second bill for the next quarterly billing period, May 20, 2019, through August 20, 2019. It "indicated a water usage of 67,320 gallons or 90 CCF[,]" which resulted in a charge of \$484.67. Ibid., R-B.
7. Petitioner contacted MWC on August 22, 2019, to express concern about the August 15, 2019, bill and to request an on-site inspection of the meter at his property.
8. On August 26, 2019, an employee of MWC inspected the meter at the property. The employee determined the meter was functioning properly and accurately recorded the water usage at the property. The employee found no evidence of a leak at the property.
9. On August 26, 2019, MWC sent a letter to petitioner in which it explained the employee's findings. The letter advised:

We had performed a leak inspection on August 26, 2019. The inspection of the premises conducted found the reading on that date was 0819, which does confirm the accuracy of the reading 0816 used to bill your account on August 22, 2019.

The service report also states: "The meter was checked and no spin found on the meter." While we can understand your concern for this high bill, our investigation indicates that we have billed you properly for the water that was actually delivered through the meter.

[R-C.]

10. On August 26, 2019, after the inspection was completed, petitioner requested MWC remove and test the meter.

11. On September 3, 2019, an employee of MWC removed the meter, numbered 71636073, and installed a replacement meter, numbered 81545771. The removed meter was taken to MWC's meter testing facility.
12. The meter was tested on September 9, 2019. Petitioner was present during the testing. The meter "tested well within the acceptable limits of accuracy (98.5% to 101.5%) established by the New Jersey Board of Public Utilities in accordance with N.J.A.C. 14:3-4.6." Resp. Brief at 2. The meter's "full flow register" test result was 99.6% and its "intermediate flow register" test result was 100.4%. Ibid.
13. The equipment that was used to test the meter was certified by the New Jersey Office of Weights and Measures and was certified and inspected on July 23, 2018. R-E.
14. In a September 10, 2019, letter MWC advised petitioner of the test results and that the bills reflected the amount of water "actually delivered through the meter." R-D.
15. MWC offered petitioner a deferred payment arrangement. Petitioner rejected the offer.

In support of his appeal and in response to respondent's motion for summary decision, petitioner asserts that, until August 15 2019, the date of the first bill, he was unaware that his "water usage was high" and thus could not address the matter before the second bill was issued. Pet. August 27, 2020, email at 1.

Petitioner asserted that the original water usage meter was operational from August 20, 2019, through September 3, 2019. During that fourteen-day- period, the meter indicated usage of "7 CCF." Id. at 2. During the remainder of the quarter, from September 3, 2019, through November 18, 2019, it indicated usage of "17 CCF." Ibid

Petitioner contends that he did not make any changes with respect to his water usage between his receipt of the first and second bills. Notwithstanding that he did not adjust his behavior with respect to his water usage, the second bill was 67 percent lower than the first bill and the third bill was 62 percent lower than the second bill. He further argues that the difference in meter readings “clearly established the difference in reading old vs. new meter.” Pet. August 27, 2020, email at 2. Ibid. Two subsequent bills were in the \$130-150 range.

Petitioner paid all bills commencing with the third quarter bill. He disputes the bills for the first two quarters and seeks a waiver of the charges or recalculation of the bills in accordance with the readings provided by the new meter. Petition at 1.

LEGAL ANALYSIS AND CONCLUSION OF LAW

MWC seeks relief pursuant to N.J.A.C. 1:1-12.5, which provides that summary decision should be rendered “if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law.” Our regulation mirrors R. 4:46-2(c) which provides that “the judgment or order sought shall be rendered if the pleadings, depositions, answers to interrogatories and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to a judgment or order as a matter of law.”

A determination whether a genuine issue of material fact exists that precludes summary judgment requires the judge to consider whether the competent evidential materials presented, when viewed in the light most favorable to the non-moving party, are sufficient to permit a rational fact finder to resolve the alleged disputed issue in favor of the non-moving party. Our courts have held that the “judge's function is not himself [or herself] to weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial.” Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 540 (1995), citing Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 249 (1986). When the evidence “is so one-sided that one party must prevail as a matter of law,” the trial

court should not hesitate to grant summary judgment. Anderson, 477 U.S. at 252. Conversely, it is critical that a favorable ruling on a summary judgment motion not "shut a deserving litigant from his [or her] trial." Judson v. Peoples Bank and Trust Co. of Westfield, 17 N.J. 67, 77 (1954).

Here, there is not a genuine issue of material fact; thus, summary decision is appropriate.

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 Office of Administrative Law. 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).

As the customer of record³ of MWC, petitioner is "responsible for payment of all utility service rendered." N.J.A.C. 14:3-7.1. A customer of record is authorized to dispute a utility charge before the Board. N.J.A.C. 14:3-7.6. In conjunction with a billing dispute, the customer may request that the utility perform a test of his water meter to determine whether it is functioning properly. N.J.A.C. 14-3:4.5 provides:

- (a) Each utility shall, without charge, make a test of the accuracy of a meter upon request of a customer, provided such customer does not make a request for test more frequently than once in 12 months.
- (b) A report giving results of such tests shall be made to the customer, and a complete record of such tests shall be kept on file at the office of the utility in accordance with N.J.A.C. 14:3-4.9 Meter records.
- (c) When a billing dispute is known to exist, the electric, gas or water utility shall, prior to removing the meter, advise the customer that the customer may have the meter tested by the utility or may have the Board witness a testing of

³"Customer of record' means the person that applies for utility service and is identified in the account records of a public utility as the person responsible for payment of the public utility bill." N.J.A.C. 14:3-1.1.

the meter by the utility, and that in any event the customer may have the test witnessed by a third party.

- (d) A meter test arising from a billing dispute may be appropriate in instances which include, but are not limited to, unexplained increased consumption, crossed meters, consumption while account is vacant or any other instance where the meter's accuracy might be an issue in a bill dispute.
- (e) Upon application by any customer to the Board, a Board inspector shall test the customer's meter. Such test shall be made as soon as practicable after receipt of the application for the test, and Board staff shall notify the customer and the utility as to the time and place of such test.
- (f) The Board shall charge a fee of \$5.00 for a meter test, payable at the time application is made for the test. This fee is to be retained by the Board if the meter is found to be slow or correct within the allowable limits. If the meter is found to be fast beyond the allowable limits, that is, more than two percent, or in the case of water meters, more than one and one half percent, the utility shall reimburse the customer for the test fee paid.

N.J.A.C. 14:3-4.6 establishes parameters to be applied when a meter is tested:

- (a) 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, except under (d) below.⁴

⁴ N.J.A.C. 14:3-4.6(d) provides:

If a meter is found to be registering less than 100 percent of the service provided, the utility shall not adjust the charges retrospectively or require the customer to repay the amount undercharged, except if:

1. The meter was tampered with, or other theft of the utility service has been proven;
2. The meter failed to register at all; or
3. The circumstances are such that the customer should reasonably have known that the bill did not reflect the actual usage.

The regulations establish standards that must be met by the equipment that is used to test meters. N.J.A.C. 14:3-4.4 provides:

- a) A utility shall ensure that its meter testing equipment is tested and either sealed or certified in accordance with this section at each of the following events or time intervals:
 1. Each time the equipment is moved, except if the equipment is portable meter testing equipment;
 2. Each time the security seal on the equipment is broken;
 3. Each time the equipment is cleaned, handled or maintained in any way that could affect its accuracy; and
 4. At the following time intervals:
 - i. For all meter testing equipment, except bell provers used for ensuring accuracy of gas meters, every 12 months; and
 - ii. For bell provers, every five years.
- (b) To comply with this section, a utility shall do either of the following:
 1. Have its meter testing equipment tested and sealed by NJ Weights and Measures; or
 2. Meet both of the following requirements:
 - i. Have its meter testing equipment tested and certified by a laboratory approved and recognized by the National Institute of Standards and Technology (NIST) with testing equipment traceable to NIST; and
 - ii. Prior to utilizing the equipment for compliance with this subchapter, submit to the Board a written approval, issued by the Superintendent of NJ Weights and Measures, accepting the laboratory that performed the certification for purposes of compliance with this subchapter.

(c) The cost of complying with this section shall be borne by the utility.

(d) A utility shall make its meter testing equipment available at all reasonable times for inspection and/or use by Board staff or its designees.

The Board gives great weight to tests that measure meters' accuracy. Ravi Kohli v. Jersey Central Power & Light Company, OAL Docket No. PUC 09900-10, Final Decision (May 16, 2011).

Here, petitioner owned the property during the billing periods at issue. An inspection of the property revealed no leaks at the property. The meter that was located at the property was tested by equipment that was certified by the New Jersey Office of Weights and Measures, in accord with the governing regulations. The test indicated that the meter did not exceed the acceptable limits of accuracy, as defined by the regulations, because the test outputs fell within one and one-half deviation from absolute accuracy. For these reasons, and given the weight that shall be afforded to evidence that a meter was, in fact, accurate, I **CONCLUDE** that NWC followed proper procedures; inspected the property and found no leaks; and the results of the meter test demonstrated that the meter was functioning properly. To the extent that petitioner contends that overcharges are demonstrated by decreased billing following the purchase of new/additional equipment, he did not offer any documentation or detail sufficient to create a genuine issue of material fact concerning the propriety of the bills at issue. Accordingly, I **CONCLUDE** that petitioner has failed to provide any competent evidence demonstrating a genuine issue of material fact which precludes summary decision in favor of respondent.

ORDER

I hereby **ORDER** that respondent's motion for summary decision is **GRANTED**, and petitioner's appeal is hereby **DISMISSED**.

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.



February 9, 2021 _____
DATE

JUDITH LIEBERMAN, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

/mph

APPENDIX
Documents relied upon

For respondent:

Brief in support of Motion for Summary Decision, December 16, 2019, with exhibits

For petitioner:

Letter petition filed with the Board of Public Utilities on October 1, 2019

August 27, 2020, email from petitioner, with exhibits