



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CUSTOMER ASSISTANCE

JASVIR SINGH,
Petitioner,

v.

ELIZABETHTOWN GAS COMPANY,
Respondent

) ORDER ADOPTING
) INITIAL DECISION
)
)
)
) BPU DOCKET NO. GC21060947U
) OAL DOCKET NO. PUC 06934-2021

Parties of Record:

Jasvir Singh, Petitioner, *pro se*
Dana Stefanoni, Esq., on behalf of Respondent, Elizabethtown Gas Company

BY THE BOARD:¹

The within matter is a billing dispute between Jasvir Singh (“Petitioner”), and Elizabethtown Gas Company (“ETG,” “Respondent,” or “Company”). This Order sets forth the background and procedural history of Petitioner’s claims and represents the Final Order in this matter. Having reviewed the record, the Board of Public Utilities (“Board”) now **ADOPTS** the Initial Decision rendered on February 14, 2022, as follows.

PROCEDURAL HISTORY

On June 28, 2021, Petitioner filed a petition with the Board requesting a formal hearing to resolve a billing dispute with ETG for natural gas services rendered at Petitioner’s residence in Carteret, New Jersey (“Property”), between February 2020 until March 2021, the billing period in dispute. Petitioner alleged that he received an overdue bill of \$928.75 for estimated services from February 2020 until March 2021, after ETG determined that the meter was not generating monthly bills. The Company subsequently replaced the meter, and Petitioner alleged that the overdue bill far exceeded the amount he was responsible to pay.

ETG filed an answer to the petition on July 15, 2021. In its answer, ETG stated that their billing department discovered a reading discrepancy on Petitioner’s meter in March 2020; however, due to the COVID-19 Pandemic, an appointment to investigate the discrepancy could not be scheduled. In March 2021, ETG changed the meter and determined the discrepancy resulted

¹ Commissioner Robert M. Gordon did not participate.

from an error with the meter's encoder receiver transmitter ("ERT"). ETG stated they were able to obtain readings directly from the meter to generate the Petitioner's bill in the amount of \$928.75.

On August 13, 2021, the petition was transferred to the Office of Administrative Law ("OAL") for a hearing 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") William T. Cooper, III.

EVIDENTIARY HEARING

An evidentiary hearing on this matter was heard before ALJ Cooper on December 14, 2021. Petitioner testified on his own behalf. Dale Stokes, Customer Operations Representative for ETG, testified on behalf of Respondent. (1T10:22-24).² Ms. Stokes testified that she has worked in customer operations for approximately six (6) years and she handles any complaints that customers referred to the Board. (1T11:4-11). Ms. Stokes stated that Petitioner's account was not billed from February 2020 until March 2021, due to an error with his meter's ERT, where it was not sending information to the billing department in order to generate billing. (1T11:23-12:5). Ms. Stokes also stated that the issue was first detected in March 2020 in a generated report; however, due to the COVID-19 Pandemic, ETG was unable to send a technician out to check the meter. (1T12:8-17). In further explaining the meter error, Ms. Stokes testified that although the meter's ERT was not transmitting, the meter itself was still registering the gas usage and the index on the meter was working properly. (1T13:9-14:12). Ms. Stokes stated that from Petitioner's meter, ETG was able to determine the correct gas usage for the entire 13 months as the meter registered the exact measurements. (1T14:13-22).

Petitioner, during cross-examination, asked Ms. Stokes if there is "actual physical proof of the meter reading to ensure that these are not estimated readings, but readings actually taken from the meter." (1T28:19-23). Ms. Stokes stated that an internal report was generated that shows the out index of the meter, when it was removed, and that the index was within guidelines. (1T28:24-29:3). Petitioner, after this line of questioning, requested a copy of the meter reading. (1T29:25-30:3). ALJ Cooper informed Petitioner that this was not a request made during the prehearing conference, however, ALJ Cooper discussed the matter with ETG's counsel to have this document submitted, if available. (1T30:4-35:20).

Petitioner, in his testimony, requested to see the meter reading obtained by ETG and stated that he believed he requested the meter reading in his petition. (1T33:22-35). ETG subsequently introduced Exhibit R-2 into evidence. The record was closed on February 8, 2022.³

² 1T Refers to the transcript of the December 14, 2021 hearing before ALJ Cooper.

³ Exhibit R-2 documented the final reading from Petitioner's meter in which ETG utilized to generate Petitioner's bill of \$928.75 for services from February 2020 to March 2021.

INITIAL DECISION

On February 14, 2022, ALJ Cooper issued an Initial Decision in favor of Respondent, denying the relief sought by Petitioner, and dismissed the petition. Furthermore, the ALJ found that Petitioner had satisfied the amount owed in the bill for \$928.75. (Initial Decision at 4). No exceptions to the Initial Decision were received from either party.

In the Initial Decision, ALJ Cooper made specific findings of fact based upon his review of the testimony and documentary evidence. ALJ Cooper found that:

1. Petitioner resides on Pershing Ave., Carteret, New Jersey.
2. ETG did not bill Petitioner for gas from February 2020 to March 2021.
3. On March 23, 2021, ETG replaced the gas meter at Petitioner's residence. ETG verified that the meter was functioning in that it was recording gas usage at the residence but that the ERT was not transmitting the usage information to ETG for billing purposes.
4. ETG was able to obtain a final reading from the removed meter and generated a bill for \$928.75 covering natural gas service to the residence from February 2020 to March 2021. (R-2).
5. As of the date of the hearing, Petitioner had satisfied the amount owed in the bill.

(Id. at 4).

In ALJ Cooper's legal analysis, he made a credibility determination as to the parties' testimony. ALJ Cooper determined that for testimony to be believed, it must not only come from the mouth of a credible witness, but it also must be credible. (Id. at 3). ALJ Cooper found the testimony from Ms. Stokes was straightforward, detailed, and generally uncontested by Petitioner and accepted her testimony as credible. (Id. at 4). Additionally, ALJ Cooper found Petitioner's testimony was sparse and lacked detail that would support the conclusion that ETG did not comply with the appropriate regulations in the handling of his account, and therefore did not accept Petitioner's unsupported assertions as credible. (Id.)

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). The burden of proof is met if the evidence establishes the reasonable probability of the facts alleged and generates reliable belief that the tended hypothesis, in all human likelihood, is true. See Loew v. Union Beach, 56 N.J. Super. 93, 104 (App. Div.), certif. denied, 31 N.J. 75 (1959). In the present instance, Petitioner failed to show, by a preponderance of the competent, credible evidence, that Petitioner's overdue gas bill for the billing period in dispute was inaccurate. Although Petitioner claimed the bill he received was higher than normal, he did not provide any evidence to support his claim.

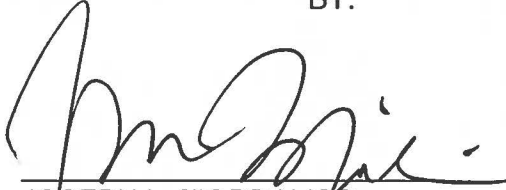
Thus, after careful review and consideration of the entire record, the Board **HEREBY FINDS** the findings and conclusions of law of ALJ Cooper to be reasonable and, accordingly, **HEREBY ACCEPTS** them. Specifically, the Board **FINDS** that Petitioner failed to meet his burden of proof.

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

This order shall be effective March 30, 2022.

DATED: March 23, 2022

BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER

ATTEST: 

AIDA CAMACHO-WELCH
SECRETARY

In the Matter of Jasvir Singh, Petitioner v. Elizabethtown Gas, Respondent

**BPU DOCKET NO. GC21060947U
OAL DOCKET NO. PUC 06934-2021**

SERVICE LIST

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State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. PUC 06934-2021

AGENCY DKT. NO. GC21060947U

JASVIR SINGH,

Petitioner,

v.

ELIZABETHTOWN GAS,

Respondent.

Jasvir Singh, petitioner, pro se

Dana Stefanoni, Esq., (Windels, Marx, Lane & Mittendorf, LLP attorneys) for
respondent Elizabethtown Gas

Record Closed: February 8, 2022

Decided: February 14, 2022

BEFORE: **WILLIAM T. COOPER III, ALJ**

STATEMENT OF THE CASE

Petitioner, Jasvir Singh, filed a complaint before the Board of Public Utilities (BPU) disputing the billing charges of Elizabethtown Gas Company (ETG) for natural gas services provided to his residence at [REDACTED], Carteret, New Jersey, alleging that the meter was faulty and therefore did not record the correct gas usage.

PROCEDURAL HISTORY

In February 2021 Singh filed a petition with the Board of Public Utilities (BPU). On July 15, 2021, ETG filed an Answer to the petition, and on August 13, 2021, this matter was transmitted to the Office of Administrative Law for a hearing as a contested case. N.J.S.A. 52:14B-1 to -15, N.J.S.A. 52:14F -1 to -13.

The hearing was held on December 14, 2021. The record remained open until February 8, 2022, for the submission of additional documents by ETG.

The record closed on that date.

FACTUAL DISCUSSION AND FINDINGS

TESTIMONY

For respondent

Dale Stokes is a Customer Operations Representative at ETG. In her position she handles complaints from customers to the BPU, general complaints from customers and assists with customer issues.

Stokes testified that there was an issue with petitioner's account in that he did not receive bills from February 2020 until March 2021 at his residence located at [REDACTED], Carteret, New Jersey. The issue appeared to be a faulty Encoder Receiver Transmitter (ERT) in the gas meter in that gas usage information was not being transmitted from the meter to the ETG billing department, which in turn was not generating monthly bills to the petitioner.

The issue was first discovered in March 2020, however, due to the pandemic ETG was unable to send a technician to the residence to verify what the problem was. In March 2021, ETG sent correspondence to petitioner advising that regular readings were not being received and that a technician would need to change the meter. On March 22,

2021, a technician replaced the faulty meter with a new meter. ETG tested the old meter and was able to determine that the meter was functioning properly, but the ERT was not transmitting.

ETG was able to obtain a reading from the index in the old meter to determine how much gas had been used. From that number ETG allocated a monthly charge based upon historic gas use from the previous year. A bill in the amount of \$928.75 covering the thirteen-month period from February 2020 to March 2021 was generated. (R-1). Petitioner was provided an opportunity to pay this amount over time and as of the date of the hearing the bill had been paid in full.

For petitioner

Jasvir Singh acknowledged that he did not receive a bill from ETG from February 2020 to March 2021. He questioned why it took ETG so long to replace the meter and stated that he believed the bill he finally received was too high. He did not provide any further insight into his position and provided no documentary evidence to support his claim that the ETG bill was excessive, or that the meter was defective.

FINDINGS

For testimony to be believed, it must not only come from the mouth of a credible witness, but it also must be credible. It must elicit evidence that is from such common experience and observation that it can be approved as proper under the circumstances. See Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961). A credibility determination requires an overall assessment of the witnesses' story in light of its rationality or internal consistency and the manner in which it "hangs together" with other evidence. Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963). Also, "the interest, motive, bias, or prejudice of a witness may affect his credibility and justify the [trier of fact], whose province it is to pass upon the credibility of an interested witness, in disbelieving his testimony." State v. Salimone, 19 N.J. Super. 600, 608 (App. Div.), certif. denied, 10 N.J. 316 (1952) (citation omitted).

A trier of fact may reject testimony because it is inherently incredible, or because it is inconsistent with other testimony or with common experience, or because it is overborne by other testimony. Congleton v. Pura-Tex Stone Corp., 53 N.J. Super 282, 287 (App. Div. 1958).

Here, the testimony from Stokes was straightforward, detailed, and generally uncontested by petitioner. I accept her testimony as credible.

Petitioner's testimony was sparse and lacked detail that would support the conclusion that ETG did not comply with the appropriate regulations in the handling of his account. I cannot accept petitioner's unsupported assertions as credible.

Findings

Based on the credible evidence submitted as well as the testimony of the witnesses at the hearing, I **FIND** the following to be the undisputed **FACTS** of this case:

1. Petitioner resides at [REDACTED], Carteret, New Jersey.
2. ETG did not bill petitioner for gas from February 2020 to March 2021.
3. On March 23, 2021, ETG replaced the gas meter at the petitioner's residence. ETG verified that the meter was functioning in that it was recording gas usage at the residence but that the ERT was not transmitting the usage information to ETG for billing purposes.
4. ETG was able to obtain a final reading from the removed meter and generated a bill for \$928.75 covering natural gas service to the residence from February 2020 to March 2021. (R-2).
5. As of the date of the hearing, petitioner had satisfied the amount owed in the bill.

LEGAL DISCUSSION

In this administrative proceeding, the petitioner bears the burden of proof by a preponderance of the competent, credible evidence. 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. 14:3-7.6 Disputes as to bills provides;

- (a) A customer that disputes a charge shall so notify the utility and shall pay all undisputed charges.
- (b) If the utility and the customer do not resolve the dispute, the utility shall notify the customer that:
 1. The customer may make a request to the Board for an investigation of the disputed charge;
 2. The request for investigation shall be made within five business days after the customer contacts the utility to dispute the charges; and
 3. If the customer does not make a request for investigation within five days, the customer's service will be discontinued for nonpayment in accordance with N.J.A.C. 14:3-3A.
- (c) Once a formal or informal dispute is before the Board, all collection activity on the charge in dispute shall cease until Board staff notify the utility and the customer that the dispute has been resolved in accordance with (e) below.
- (d) Each utility shall provide the Board's Division of Customer Assistance with responses to written complaints within five days of receipt of the complaint, and within three days of receipt of verbal complaints.
- (e) When Board staff have determined that a formal or informal dispute has been resolved, Board staff shall notify the utility. If the resolution of the dispute results in discontinuance of the customer's service, the utility shall provide notice to the customer in accordance with N.J.A.C. 14:3-3A.3 before service may be discontinued.
- (f) In appropriate cases the Board may require that the customer place all or a portion of disputed charges in escrow pending the resolution of the dispute.
- (g) When the amount of an electric, gas, water or wastewater bill is significantly higher than the customer's established consumption history, and there is no apparent explanation for the increase (for example, severe weather conditions; changes in the make-up or the lifestyles of the members of the household), the customer's established consumption shall be given consideration, in addition to the results of any tests on the customer's meter, in the evaluation of whether the bill is correct and appropriate.

In this case, petitioner questions the bill he received, claiming same was higher than is normal, however, he did not provide any evidence to support this claim. It is undisputed that the meter at the residence was not transmitting gas usage to the ETG billing department. The credible evidence establishes that the meter was accurately recording gas usage at the residence. ETG replaced the meter at its cost. ETG was then able to obtain a final reading from the meter and generate a bill for gas usage for the thirteen-month period from February 2020 to March 2021. Petitioner failed to provide any legally competent evidence to support the claim that the final reading obtained from the meter was inaccurate.

I therefore **CONCLUDE** that the meter that was removed from petitioner's home on March 23, 2021, was accurate in its recording of natural gas usage at the residence from February 2020 to March 2021. I also **CONCLUDE** that the bill of \$928.75 for the natural gas used during that period was accurate. Accordingly, the complaint should be dismissed.

ORDER

The petitioner's appeal is **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 14, 2022
DATE



WILLIAM T. COOPER, III, ALJ

Date Received at Agency: February 14, 2022

Date E-Mailed to Parties: February 14, 2022
lr

LIST OF WITNESSES

For Petitioner:

Dale Stokes

For Respondent:

Jasvir Singh

LIST OF EXHIBITS

For Petitioner:

None

For Respondent:

R-1 Billing Summary February 21, 2020, to March 21, 2021

R-2 Work Log for March 23, 2021