

Agenda Date: 5/23/12 Agenda Item: VIIA

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
AGIOS FANOURIOUS, INC. T/A LIGHTHOUSE RESTAURANT AND MICHAIL L. BERTOS, Petitioners))	ORDER ADOPTING INITIAL DECISION SETTLEMENT
V. PUBLIC SERVICE ELECTRIC AND GAS COMPANY, Respondent)))	BPU DKT. NO. EC11090546U OAL DKT. NO. PUC12947-11

Parties of Record:

Patrick J. O'Dea, Esq., appearing on behalf of Petitioner, Agios Fanourious, Inc. t/a Lighthouse Restaurant & Michail L. Bertos

Sheree L. Kelly, Esq., appearing on behalf of Respondent, Public Service Electric and Gas Company

BY THE BOARD:

On August 23, 2011, Agios Fanourios, Inc. T/A Lighthouse Restaurant and Michail L. Bertos (collectively "Petitioners"), filed a petition received on September 14, 2011 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 received on October 25, 2011, 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") Kimberly A. Moss.

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 April 27, 2012 received by the Board on May 1, 2012, by which the Stipulation was attached and made part thereof, ALJ Moss 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 terms of the Stipulation, the parties agreed that as of February 14, 2012, Petitioner's current balance for electric and gas service was \$38,035.10. Respondent has agreed to credit Petitioner's account in the amount of \$18,035.10 to reduce the outstanding account balance to \$20,000.00. In return, Petitioner has agreed to pay its current bills in addition to the above outstanding balance of \$20,000.00 due to Respondent over a period of twenty-four (24) months, beginning with the March 2012 bill and to pay bills on time by the due date set out on the bill.

After review of the record and the Stipulation of Settlement of the parties, the Board <u>HEREBY FINDS</u> that the parties have voluntarily agreed to the settlement 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 <u>HEREBY ADOPTS</u> the Initial Decision and the Stipulation of Settlement executed by the parties in their entirety as if fully set forth herein.

DATED: 5/23/12

BOARD OF PUBLIC UTILITIES BY:

ROBERT M. HANNA

PRESIDENT

JEANNE M. FOX COMMISSIONER

NICHOLAS ASSELTA COMMISSIONER JÓSEPH L. FIORDALISO COMMISSIONER

ARY ANNA HOLDEN

COMMISSIONER

ATTEST:

KRISTI IZZO SECRETARY I HEREBY CERTIFY that the within document is a true copy of the origina in the files of the Board of Public

AGIOS FANOURIOUS, INC. T/A LIGHTHOUSE RESTAURANT AND MICHAIL L. BERTOS

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU DOCKET NO. EC11090546U OAL DOCKET NO. PUC12947-11

SERVICE LIST

Patrick J. O'Dea, Esq. Maneri and Maroules, L.L.C. 30 Two Bridges Road,, Suite 260 Fairfield, New Jersey 07004-1551

Sheree L. Kelly, Esq.
PSEG Services Corporation
80 Park Plaza – T5G
Newark, New Jersey 07102-4194

Eric Hartsfield, Director Julie Ford-Williams Division of Customer Assistance Board of Public Utilities 44 South Clinton Avenue, 9th Floor Post Office Box 350 Trenton, New Jersey 08625

Veronica Beke, DAG Division of Law 124 Halsey Street P.O. Box 45029 Newark, New Jersey 07101 CMS
Beslow
DAG
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RPA
Haynes
Lee-Thomas 23:2:
Lambert
Crd-Williams

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State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 12947-2011 AGENCY DKT. NO. EC11090546U

AGIOS FANOURIOUS, INC. T/A LIGHTHOUSE RESTAURANT AND MICHAIL L. BERTOS

Petitioner,

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PUBLIC SERVICE ELECTRIC AND GAS COMPANY,

Respondent.

Patrick J. O'Dea, Esq. on behalf of petitioner (Maneri and Maroules, LLC)

Sheree L. Kelly, Esq. on behalf of respondent (PSE&G Services Corporation)

Record Closed: April 27, 2012

Decided: April 27, 2012

BEFORE KIMBERLY A. MOSS, ALJ

On October 28, 2011, this matter was transmitted to the Office of Administrative Law (OAL) for 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-13. A telephone prehearing was scheduled and conducted on November 28, 2011 wherein the parties scheduled a status conference for December 27, 2011. A hearing was scheduled and for February 24, 2012. Prior to the hearing date the parties engaged in extensive settlement discussions, agreed on a settlement. The

undersigned received the Stipulation of Settlement, which is incorporated herein by reference.

have reviewed the record and terms of the Stipulation of Settlement and FIND:

- The parties have voluntarily agreed to the settlement as evidenced by the signatures of the parties or their representatives.
- 2. The settlement fully disposes of all issues in controversy and is consistent with law.

I CONCLUDE that the agreement meets the requirements of N.J.A.C. 1:1-19.1 and therefore, it is ORDERED that the parties comply with the settlement terms and that these proceedings be and are hereby concluded.

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 (45) days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with <u>N.J.S.A.</u> 52:14B-10.

4 12	
DATE	KIMBERLY A. MOSS, ALJ
Date Received at Agency:	
Date Mailed to Parties:	

STATE OF NEW JERSEY OFFICE OF ADMINISTRATIVE LAW

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RECEIVING

Agios Fanourios, Inc. t/a Lighthouse Restaurant and Michail L. Bertos Petitioner

OAL Docket No. PUC 12947-2011N BPU Docket No. EC11090546U

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STIPULATION OF SETTLEMENT

Public Service Electric and Gas Company, Respondent

This matter having been brought before the Office of Administrative Law by the Petitioner, Agios Fanourios, Inc. 1/a Lighthouse Restaurant and Michail L. Bertos ("Petitioner"), against Respondent Public Service Electric and Gas Company ("PSE&G" or "Respondent") for utility service rendered by PSE&G to the premises 669 Broadway, Bayonne, NI, (the "Property") and the Parties having agreed to settle this matter, hereby set forth the terms and conditions of their settlement agreement as follows:

- 1. As of February 14, 2012, Petitioner's current balance for PSE&G gas and electric charges is \$38,035.10.
- 2. Respondent agrees to credit Petitioner's account in the amount of \$18,035.10. leaving a balance of \$20,000.00.
- 3. Petitioner agrees to pay current bills in addition to the balance of \$20,000.00 owed to PSE&G over a period of twenty-four (24) months starting with March 2012 bill.
- 4. Petitioner agrees to pay bills on time by the due date on the bill.

Petitioner: Agios Fanourios, Inc., t/a Lighthouse Restaurant and Michail L. Bertos

Patrick J. O'Dea, Esq.

Attorney for Petitioner

Patricia Esler

Respondent: PSE&G

Customer Operations Manager

Public Service Electric and Gas Company 80 Park Plaza, Newark, NJ 07102-4194 tel: 973.430.7000

FAX COVER SHEET



DATE:	2/23/12			
TO:	Hon Kemberly a. Mars FROM: Shered Kelly Esq.			
FAX:	(973) 648-6184 FAX: (973)430-5983			
TELEPI	HONE: (973)648-6093 TELEPHONE: (973)430-6468			
IF YOU DO NOT RECEIVE <u>3</u> PAGES, INCLUDING COVER SHEET, PLEASE CALL: JUNE BARNETT AT (973) 430-8912				

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OFFICE OF ADMINISTRATIVE LAW

(973) 648-6008 (973-648-6058)

7 State of New Jersey 33 Washington Street Newark, New Jersey 07102



Robert J. Giordano, ALJ & Manager of Organizational Development

NORTH

Date APR 3 0 2012

Re: Initial Decisions for Receipt

We are hereby forwarding to you the following decisions from the office of Administrative Law. Receipt is acknowledged as of the next business day of the date Indicated below. Should a listed decision not be included in this batch, please Call 973-648-6008.

OAL Docket No. PUC	Case Name
12947-11	Agios FANOGRIOUS, INC TIALIGHTHOUSE RECTAURANT Y Michail L. BERTOS
	TIALIGHThouse BECTAURANT
	+ Michail L. Bertos
	Board of Public Utilities
	44 South Clinton Avenue
	Floor 10 East
	Trenton, NJ 08625-0350
Date:	Donal of Dublin Heilitian
	Board of Public Utilities