



Agenda Date: 4/27/16
Agenda Item: VIIC

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

JOSEPH M. DOLAN.)	
Petitioner)	ORDER ADOPTING INITIAL
)	DECISION SETTLEMENT
)	
v.)	
)	
ATLANTIC CITY ELECTRIC COMPANY,)	BPU Docket No. EC15101179U
Respondent)	OAL Docket No. PUC 116-16

Parties of Record:

Jeffrey L. Gold, Esq. for Petitioner
Pamela J. Scott, Esq., for Respondent, Atlantic City Electric Co.

BY THE BOARD:

On October 8, 2015, Joseph M. Dolan ("Petitioner") filed a petition with the Board of Public Utilities ("Board") related to a billing dispute with Atlantic City Electric, Co. ("ACE" or "Respondent") for electric services rendered by Respondent to the Petitioners' Harrisburg Avenue premises in Atlantic City, New Jersey ("account").

After the filing of Respondent's answer, 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") W. Todd Miller.

While this matter was pending at the OAL, the parties engaged in negotiations and voluntarily agreed to resolve the matter and entered into a signed Stipulation of Settlement ("Stipulation") that was submitted to the ALJ. By Initial Decision issued on March 4, 2016, and submitted to the Board on March 9, 2016, to which the Stipulation was attached and made part thereof, ALJ Miller 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 and in order to fully resolve this matter, the parties agreed to an outstanding balance of \$20,000.00 on the account ending in 9987. Petitioner has agreed to submit ninety-nine (99) monthly payments of \$202.02 without interest, to clear the remaining balance due on the account and to maintain current payments for all future monthly

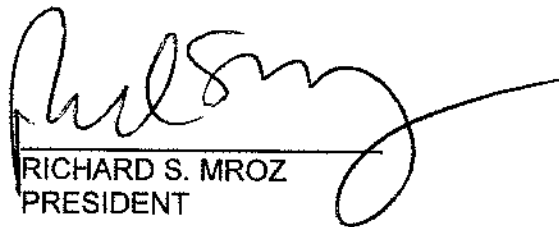
electric usage charges, beginning with the April 2016 bill. Should Petitioner fail to comply with the terms of the Stipulation, Respondent may take such action against Petitioner as permitted by law, regulation, or tariff.

After review of the Initial Decision and the Stipulation, the Board **HEREBY FINDS** that the parties have voluntarily agreed to the settlement as evidenced by their signatures and that, by the terms of the Stipulation, they have fully resolved all outstanding contested issues in this matter. Accordingly, the Board **HEREBY ADOPTS** the Initial Decision and the Stipulation executed by the parties in their entirety. The Stipulation is attached hereto and made a part hereof.

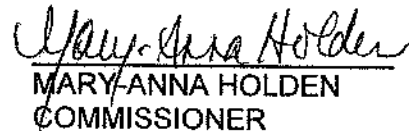
The effective date of this Order is May 7, 2016.


DATED: 4/27/16

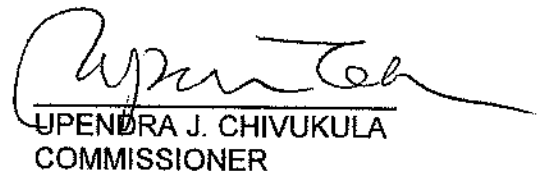
BOARD OF PUBLIC UTILITIES
BY:

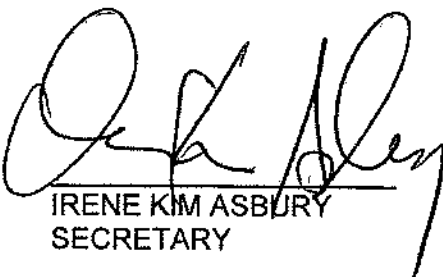

RICHARD S. MROZ
PRESIDENT


JOSEPH L. FIORDALISO
COMMISSIONER

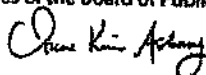

MARY-ANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
COMMISSIONER


UPENDRA J. CHIVUKULA
COMMISSIONER

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



JOSEPH M. DOLAN

v.

ATLANTIC CITY ELECTRIC CO.

BPU Dkt. No. EC 15101179U

OAL Dkt. No. PUC 116-16

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BOARD OF PUBLIC UTILITIES
MAIL ROOM

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 116-16

AGENCY DKT. NO. EC 15101179U

JOSEPH M. DOLAN,

Petitioner,

v.

ATLANTIC CITY ELECTRIC CO.,

Respondent.

Jeffrey L. Gold, Esq., for petitioner

Pamela J. Scott, Esq., for respondent

Record Closed: March 2, 2016

Decided: March 4, 2016

BEFORE W. TODD MILLER, ALJ:

This matter was transmitted to the Office of Administrative Law on December 22, 2015, 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 parties have agreed to a settlement and have prepared a Settlement Agreement indicating the terms thereof, which is attached and fully incorporated herein.

CMS
V. Haynes
D. Lee Thomas
G. Hartsfield
J. Ford
C. Jordan
R. Lambert
B. Agee
J. Gertsman
C. Vachier

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.

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 **CHIEF OF THE BOARD OF PUBLIC UTILITIES**, who by law is authorized to make a final decision in this matter. If the Chief 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 4, 2016
DATE

W. Todd Miller
W.TODD MILLER, ALJ

Date Received at Agency:

3/9/16

Date Mailed to Parties:

/jb

also on Record date of 3/12/16

THIS SETTLEMENT AGREEMENT IS made this 2nd day of March 2016 by and between JOSEPH M. DOLAN ("Dolan") and ATLANTIC CITY ELECTRIC COMPANY ("ACE").

WHEREAS, Dolan filed a complaint against ACE in connection with electric bills at the property owned by Dolan being 711 N. Harrison Ave. Atlantic City, NJ, being OPL Docket No. PUC 00316-2016S (The "Complaint"); and

WHEREAS, following negotiations, Dolan and ACE have agreed to a settlement of the Complaint.

Now, HERETOFORE in consideration of the mutual covenants and agreements contained herein, and intending to be legally bound, the parties hereto agree as follows:

1. The current amount due to ACE in connection with the Complaint is \$39,853.86. However,

The parties agree to settle the Complaint and agree that the amount to be due to ACE in connection with the Complaint is \$20,000 ("Settlement Amount").

2. The ACE agrees to permit payment of the Settlement Amount over a period of 99 months with no interest. The amount to be paid each month is \$202.02. Such payments shall begin with the April 2016 billing for electric services.

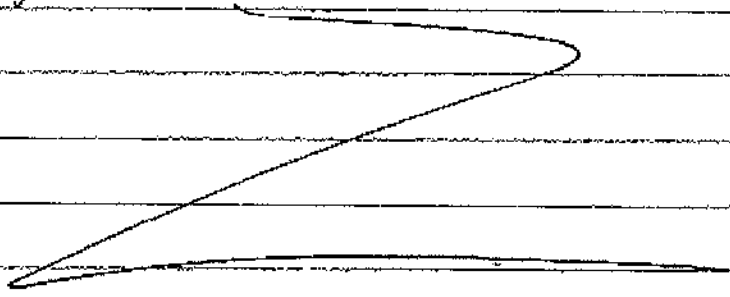
3. The payment of the Settlement Amount, in monthly installments shall be in addition to Petitioner's monthly bill for electric services.

4. The parties hereto agree that this Settlement Agreement resolves all issues between them with respect to the Complaint and the parties hereby release each other from any and all claims ~~past or~~ potential claims relating to the Complaint, ~~at any time~~.

(3)

5. Mr. Dolan acknowledges and agrees that in the event he fails to comply with the terms of this Agreement, ACE can take such action against Mr. Dolan as permitted by law, regulation or tariff.

[Handwritten signature]
M.M.



IN WITNESS WHEREOF, the parties hereto set their hands and seal the day and year first above referenced.

By *[Signature]*
Joseph M. Dolan

Witness:
[Signature]
Jeffrey L. Gold, Esq.

Atlantic City Electric Company
By: *[Signature]*
Paula J. Scott, Assist. General Counsel.
Attest: *[Signature]*
Marianne Murphy, Sec'y. Atl. City Electric