



Agenda Date: 5/22/18
 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

Luisa Hernandez and Maritza Montanez,)	ORDER ADOPTING
Petitioners,)	INITIAL DECISION
)	
v.)	
)	
Public Service Electric and Gas Company,)	BPU DOCKET NO. EC17020134U
Respondent)	OAL DOCKET NO. PUC 13299-17

Parties of Record:

Luisa Hernandez and Maritza Montanez, Petitioners, Pro Se
Samuel A. Wolfe, Esq., for Respondent

BY THE BOARD:¹

PROCEDURAL HISTORY

By petition filed with the Board of Public Utilities ("Board") on February 15, 2017 ("Petition"), Ms. Hernandez and Ms. Montanez ("Petitioners") disputed charges associated with service provided by Public Service Electric and Gas Company ("Respondent" or "PSE&G").

In their Petition, Petitioners stated that they were incorrectly billed by PSE&G.

PSE&G, in its answer filed March 21, 2017, denied the allegations that Petitioners were incorrectly billed. PSE&G contended that services were supplied and billed in accordance with the terms, conditions and rate schedules set forth in its Board-approved tariff. PSE&G requested that the relief sought be denied on the basis that Petitioner failed to set forth a claim upon which relief may be granted.

On August 31, 2017, the Board transferred the matter to the Office of Administrative Law for a hearing 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.

¹ Commissioner Robert M. Gordon recused himself due to a potential conflict of interest and as such took no part in the discussion or deliberation of this matter.

The case was assigned to Administrative Law Judge ("ALJ") Elissa Mizzone Testa.

The parties subsequently voluntarily agreed to resolve the matter and entered into a signed Stipulation of Settlement ("Stipulation") that was submitted to the ALJ on April 4, 2018.

Pursuant to the terms of the Stipulation, and in order to fully resolve this matter, PSE&G agreed to rebill Ms. Hernandez & Ms. Montanez's account ending in 3105 from June 16, 2015 to February 6, 2018, resulting in a bill of \$2,562.57. Ms. Hernandez & Ms. Montanez agreed to pay this balance in 18 monthly payments of \$136.00 plus current bill beginning in April 2018. Ms. Hernandez & Ms. Montanez also agreed to have a licensed electrician and the landlord trace out electric lines to identify all electrical appliances supplied by this meter.

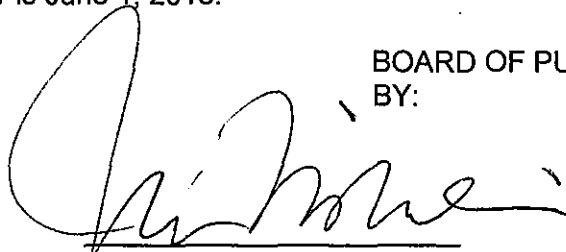
By Initial Decision issued on April 5, 2018, and submitted to the Board on April 9, 2018, ALJ Testa found that the Stipulation was voluntary, its terms fully disposed of all issues in controversy, it was consistent with the law, and that it satisfied the requirements of N.J.A.C. 1:1-19.1.

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 as if fully set forth herein.


The effective date of this Order is June 1, 2018.

DATED: 5/22/18

BOARD OF PUBLIC UTILITIES
BY:




JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER

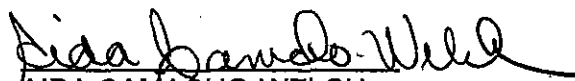


DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER

ATTEST:



AIDA CAMACHO-WELCH
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public Utilities.

LUISA HERNANDEZ AND MARITZA MONTANEZ

V.

**PUBLIC SERVICE ELECTRIC AND COMPANY
BPU DOCKET NO. EC17020134U
OAL DOCKET NO. PUC 13299-17**

SERVICE LIST

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RECEIVED
CASE MANAGEMENT

APR 09 2018

BOARD OF PUBLIC UTILITIES
TRENTON, NJ



State of New Jersey

OFFICE OF ADMINISTRATIVE LAW

BOARD OF PUBLIC UTILITIES

APR 09 2018

MAIL RECEIVED

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 13299-17

AGENCY DKT. NO. EC17020134U

LUISA HERNANDEZ AND MARITZA MONTANEZ,

Petitioners,

v.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY,

Respondent.

Luisa Hernandez and Maritza Montanez, petitioners, pro se

Sheree Kelly, Esq., for respondent (Public Service Electric and Gas Company)

Record Closed: April 4, 2018

Decided: April 5, 2018

BEFORE ELISSA MIZZONE TESTA, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

On September 11, 2017, the above referenced 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. 52:14F1 to -13.

CMS
K. Graham
D. Thomas
E. Hartsfi
J. Ford
R. Lambert
R. Matos
K. Flynn
D. Brantle
B. Asee
C. Vachier

The matter was scheduled for a hearing on February 21, 2018, but was adjourned because the parties were engaged in settlement discussions and agreed to settle the matter. The signed Settlement Agreement indicating the terms of settlement was signed by the parties and is attached and fully incorporated herein.

I have reviewed the record and terms of the settlement and **FIND**:

1. 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 safeguard requirements of N.J.A.C. 1:1-19.1 and, accordingly, I approve the settlement and **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 **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.

April 5, 2018



DATE

ELISSA MIZZONE TESTA, ALJ

Date Received at Agency:

Date Mailed to Parties:
sej

Executive Offices

Public Service Electric and Gas Company
P.O. Box 490, Cranford, NJ 07016-0490
Telephone: (973) 430-8080



Stipulation of Settlement
BPU Docket EC17020134U
PUC 13299-17
State of New Jersey
Office of Administrative Law

Luisa Hernandez & Maritza Montanez
Petitioner

V.

Public Service Electric and Gas Company
Respondent

2018 APR -14 P 4: 22
STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

On or about January 25, 2017 petitioner filed the within petition. Public Service Electric and Gas Company ("PSE&G" or "Respondent") filed an answer to the petition and the New Jersey Board of Public Utilities ("NJBP" or "Board") transmitted the matter to the Office of Administrative Law ("OAL") as a contested case for adjudication.

In the interest of resolving this matter amicably and to avoid any further delay and cost to petitioner and respondent (collectively, the "parties"), the parties agree to settle this matter in accordance with the following terms.

1-Although not agreeing with the merits of the allegations expressed in the petition, and expressly denying any liability or wrong doing, PSE&G agrees to rebill petitioners account number ending in 3105 from 6/16/15 to 2/6/18 resulting in a bill of \$2,562.57. Customer agrees to pay this balance in 18 monthly payments for \$136 plus the current bill beginning April 2018. Petitioner further agrees and understands that she must make timely payment of PSE&G monthly utility bills for utility service associated with his utility account so long as she remains a PSE&G customer at this premise.

2- This agreement is in full settlement of the Petition filed by Petitioner on or about February 23, 2017. Petitioner agrees and understands that no claims or grievances can be later adjudicated relating to the matters referenced in the Petition. Petitioner further agrees to take any and all measures necessary to effectuate the dismissal of the Petition with prejudice, including contacting the OAL or Board if necessary to request dismissal with prejudice of the Petition.

3- Petitioner agrees to keep this settlement agreement confidential, and not to disclose its existence or terms to anyone with the following exceptions: (1) legal counsel, for the sole purpose of obtaining legal advice related to this agreement; (2) an immediate family member

Executive Offices

Public Service Electric and Gas Company
P.O. Box 490, Cranford, NJ 07016-0490
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(defined as petitioner's parent, spouse or child); (3) a tenant at or subsequent owner of the property; (4) to personnel of the Board or OAL; and (5) if petitioner is required to disclose this agreement by law.

4- The undersigned agree that this Settlement contains mutually balancing and interdependent provisions and is intended to be accepted and approved in its entirety. In the event any particular aspect of this Settlement is not accepted and approved by the Board or modified by the Board, the party that is adversely affected by the modification can either accept the modification or declare this Settlement to be null and void, and the parties shall be placed in the same position that they were in immediately prior to its execution.

5- Petitioner agrees to have licensed electrician and landlord trace out electric lines to identify all electrical appliances supplied by this meter.

6- Testing of this meter can be done in accordance of New Jersey Administrative Code 14:3-4.5 and is strongly recommended by Respondent.

Luisa Hernandez & Maritza Montanez
Petitioner

Signature/Date *Luisa Hernandez* 4/2/18

James T. Walsh
Public Service Electric and Gas Company
Respondent

Signature/Date *James T. Walsh* 4-2-18