



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center, Suite 801
Newark, NJ 07102
www.nj.gov/bpu/

CUSTOMER ASSISTANCE

PENNY MONTGOMERY,
Petitioner,

v.

ATLANTIC CITY ELECTRIC COMPANY,
Respondent

-) ORDER ADOPTING INITIAL
-) DECISION SETTLEMENT
-)
-)
-) BPU Docket No. EC10030232U
-) OAL Docket No. PUC4769-10

Penny Montgomery, Elmer, New Jersey, appearing *pro se*

Renee E. Suglia, Esq., Wilmington, Delaware, on behalf of Respondent,
Atlantic City Electric Company

BY THE BOARD:

On March 30, 2010, Penny Montgomery ("Petitioner") filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to a billing dispute with Atlantic City Electric Company ("Respondent") for utility services rendered by Respondent.

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") Bruce M. Gorman.

While this matter was pending at the OAL, the parties engaged in negotiations and entered into and signed a Settlement Agreement ("Settlement") that was submitted to the ALJ. By Initial Decision issued on January 7, 2011, and submitted to the Board on January 25, 2011, to which the Settlement was attached and made part thereof, ALJ Gorman found that the Settlement 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 Settlement, and in order to resolve this matter, Respondent has agreed to reduce the adjusted amount for the four-year period from August 2003 through August 2007 by 25 percent from \$5,699.12 to \$4,274.12. This 25 percent reduction, in the amount of \$1,425.00¹, will be credited to the account which

¹To be precise, \$1,425.00 is slightly more than 25% of \$5,699.12. Therefore, it appears that the parties rounded \$5,699.12 to \$5,700.00 before applying the 25% reduction. As \$1,425.00 was the number used to calculate the payment plan, the Board finds that this number is controlling.


has a present balance of \$5,549.05 resulting in an account balance of \$4,124.05. Respondent further agreed to place Petitioner's account on a 72-month payment arrangement under which Petitioner shall pay her current bills plus \$57.00 per month towards the arrears for 71 months and a final 72nd payment of \$77.05. In addition, Respondent will remove a certain name from the account as requested by Petitioner and will work with Petitioner in the event Petitioner is late in a given month and will re-set Petitioner's payment arrangement if it is broken but will re-set the payment arrangements no more than four times in any given year.


After review of the record and the Stipulation of Settlement of the parties, 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 of Settlement, have fully resolved all outstanding contested issues in this matter.

Accordingly, the Board HEREBY ADOPTS the Initial Decision and the Stipulation of Settlement executed by the parties in their entirety as if fully set forth herein.


DATED: 3/30/11

BOARD OF PUBLIC UTILITIES
BY:

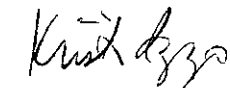

LEE A. SOLOMON
PRESIDENT


JEANNE M. FOX
COMMISSIONER

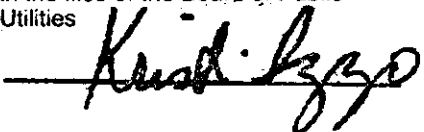

JOSEPH L. FIORDALISO
COMMISSIONER


NICHOLAS ASSELTA
COMMISSIONER

ATTEST:


KRISTI IZZO
SECRETARY

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



PENNY MONTGOMERY

V.

ATLANTIC CITY ELECTRIC COMPANY

BPU DOCKET NO. EC10030232U

OAL DOCKET NO. PUC4769-10

SERVICE LIST

Penny Montgomery
10 N. Main Street, Apt. E
P.O. Box 306
Elmer, New Jersey 08318-0306

Renee E. Suglia, Esq., Esq.
Atlantic City Electric Company
P.O. Box 231
Wilmington, Delaware 19899-0231

Eric Hartsfield, Director
Julie Ford-Williams
Division of Customer Assistance
Board of Public Utilities
Two Gateway Center – Suite 801
Newark, New Jersey 07102

Kerri Kirschbaum, DAG
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

CMS
Below
DAG
Edwards
C.A.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

11 JAN 25 AM 10:21
BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 4769-10

AGENCY REF. NO. EC10030232U

PENNY MONTGOMERY,

Petitioners,

v.

ATLANTIC CITY ELECTRIC COMPANY,

Respondent.

Penny Montgomery, petitioner, pro se

Renee Suglia, Esq., for respondent

Record Closed: January 6, 2011

Decided: January 7, 2011

BEFORE **BRUCE M. GORMAN**, ALJ:

This matter was transmitted to the Office of Administrative Law on June 9, 2010, 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.

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, and as placed on the record on January 6, 2011.
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 **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.

January 7, 2011

DATE



BRUCE M. GORMAN, ALJ

Date Received at Agency: _____ 1/7/2011

Date Mailed to Parties: _____ 1/13/2011

/sd

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| <p>PENNY MONTGOMERY,</p> <p style="text-align: center;">Petitioner,</p> <p>v.</p> <p>ATLANTIC CITY ELECTRIC CO.,</p> <p style="text-align: center;">Respondent.</p> | <p>STATE OF NEW JERSEY OFFICE OF ADMINISTRATIVE LAW</p> <p>OAL DKT. NO. PUC-4769-10 AGENCY DKT. NO. EC10030232U</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|

SETTLEMENT AGREEMENT

IT IS ON THIS 6th day of JANUARY, 2011, SET FORTH AS FOLLOWS:

WHEREAS:

1. Respondent, Atlantic City Electric Company ("ACE"), is a regulated public utility in the State of New Jersey.
2. Petitioner, Penny Montgomery ("Petitioner"), is a customer of ACE.
3. While Petitioner was residing at 10 N. Main St., 2nd Fl Rear, Elmer, NJ, her electric meter was non-registering and Petitioner was not properly billed for electric consumption over a 4 year period from August of 2003 through August of 2007.
4. The meter is the property of ACE and ACE acknowledges that the meter was in fact broken and non-registering when Petitioner moved in in March 2003.
5. Petitioner contends that for two of the four years the meter was non-registering, she lived alone. For the other two years, her son resided at the property.
6. ACE had billed Petitioner \$5,699.12 for the 4 year period (the "adjustment").
7. This matter is scheduled for trial on January 6, 2011.
8. In order to settle this matter amicably with Petitioner and in consideration of the defenses she has presented, ACE and Petitioner agree as follows:
 - a. ACE will reduce the adjustment amount by 25% such that Petitioner will be billed the amount of \$4,274.12 for electric charges for the 4 year period referenced above.

- b. As of this date, Petitioner's account balance is \$5,549.05. ACE will credit the account in the amount of \$1,425.00 (representing the 25% reduction of the original adjustment of \$5,699.12).
- c. ACE then agrees to place Petitioner's account balance of \$4,124.05 on a 72 month payment arrangement. Petitioner shall pay her current bill monthly plus \$57.00 a month towards the arrears for a period of 71 months. The 72nd month payment will be current bill plus \$77.05.
- d. ACE will remove reference to the name Paollili on Petitioner's account per her request.
- e. ACE will agree to work with Petitioner in the event that Petitioner is late in a given month and will re-set Petitioner's payment arrangement if it is broken by late payment. However, per year, ACE will reset the payment arrangement no more than 4 times.

We agree to the above in form and substance.

PETITIONER, PENNY MONTGOMERY


PENNY MONTGOMERY

1/6/11

DATED:

ATLANTIC CITY ELECTRIC COMPANY

By: 

Agnes Carpenter
Senior Analyst
5 Collins Dr.
Carneys Point, NJ 08069
(856) 351-7711