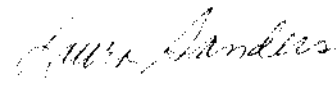


Date Board mailed Order to OAL: 4/30/13

cc: Service List Attached

DATED:



LAURA SANDERS, ACTING
DIRECTOR & CHIEF
ADMINISTRATIVE LAW JUDGE

Date OAL mailed executed Order to Board: 4/30/13

Date Board mailed executed Order to Parties: 5/1/13

ALVA MUHAMMAD

v.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU DOCKET NO. EC12040303U

OAL DOCKET NO. PUC07198-12

SERVICE LIST

Alva Muhammad
248 Ogden Street, Floor 2
Orange, New Jersey 07050

Amanda Johnson, Esq.
PSEG Service Corporation
80 Park Plaza – T5
Newark, New Jersey 07102-4194

Eric Hartsfield, Director
Division of Customer Assistance
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350

Julie Ford-Williams
Division of Customer Assistance
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350

David Wand, DAG
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, New Jersey 07101



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. PUC 07198-12

AGENCY DKT. NO. EC12040303U

ALVA MUHAMMAD,

Petitioner,

v.

**PUBLIC SERVICE ELECTRIC
AND GAS COMPANY,**

Respondent.

RECEIVED

APR 12 2013

BOARD OF PUBLIC UTILITIES
STATE ROOM

Alva Muhammad, pro se

Amanda Johnson, Esq., appearing on behalf of respondent

Record Closed: March 25, 2013

Decided: April 9, 2013

BEFORE KIMBERLY A. MOSS, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioner Alva Muhammad (Muhammad or petitioner) filed a complaint before the Board of Public Utilities (BPU) disputing the billing charges of Public Service Electric and Gas (PSE&G) for gas and electrical service provided to 248 Ogden Street, Orange, New Jersey.

On May 21, 2012, 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. Status conferences were held on June 25, 2012, July 17, 2012, and August 24, 2012. The hearing was scheduled for October 11, 2012, November 1, 2012, and February 7, 2013; all of these dates were adjourned. The hearing was then held on February 26, 2013. The record was held open until March 12, 2012, for petitioner to provide documents. I had a question regarding the documents submitted by petitioner. A telephone conference was held on March 20, 2013. At that conference PSE&G stated that it would submit a statement of account for an additional account of petitioner. PSE&G submitted the statement of account for the house account on March 25, 2013. I closed the record at that time.

FACTUAL DISCUSSION AND FINDINGS

Having had an opportunity to hear the testimony, observed the witnesses, and reviewed the exhibits, I **FIND** the following **FACTS**:

Muhammad is a residential gas and electric customer of PSE&G. She had three accounts with PSE&G at her residence, 248 Ogden Street, Orange, N.J. The account number for petitioner's first-floor account was 69 087 194 0 5. PSE&G closed the first-floor account on October 17, 2011. There is no balance due on the first-floor account.

The original account number for petitioner's second-floor account was 12 479 103 6 9. The second-floor account number was changed to 65 833 319 1 8. There was an actual gas and electric meter reading of Muhammad's meters on September 17, 2008. The next actual gas and electric meter reading was done on August 4, 2011. At that time, PSE&G determined that it under-billed petitioner due to the meters not being read for thirty-five months. This resulted in a true-up bill being sent to Muhammad. Prior to the true-up bill Muhammad had a balance of \$1741.77. The true-up bill revealed that Muhammad owed PSE&G an additional \$6928.08 for gas and electric service. The true-up bill included a "worry free" charge of \$606.86. Petitioner had an actual gas meter reading on August 22, 2011, and an actual electric meter reading on September 16, 2011, for the second floor.

The next actual reading of petitioner's second-floor gas and electric meters was on March 2, 2013. PSE&G made a billing adjustment based on the March 2, 2013, actual meter readings. Petitioner's account was credited \$3652. Petitioner's outstanding balance as of March 2, 2013, is \$12,988.21 on account number 65 833 319 18.

The USF made monthly payments toward petitioner's rent. Petitioner's January 2012 payment of \$50 was incorrectly credited to the first-floor account. This was corrected on the March 11, 2013, statement of account. All of the other payments that petitioner made to PSEG were properly credited to her account. Petitioner's last payment to PSEG for the second-floor account was made on March 19, 2012. PSEG acknowledged that petitioner is owed a \$600 credit from payments to the first-floor account.

The house account number is 65 635 408 05. PSE&G cancelled all of the house account charges from September 17, 2008, through March 5, 2013.

Petitioner has requested a Board-witnessed meter test on March 11, 2013.

LEGAL ANALYSIS AND CONCLUSION

N.J.A.C. 14:3-7.2(e) states:

Rules concerning estimated bills for all customers are as follows:

1. Utility companies shall maintain a regular meter reading schedule and make a reasonable effort to read all meters;
2. Utility companies, upon request, shall make available to all customers a postage paid business reply card on which the customer may mark the meter reading as follows:
 - i. The business reply card shall have appropriate explanation. The utility shall permit the customer to telephone the meter reading to the utility. The

customer reading is to be used in lieu of an estimated reading, provided the reading is received in time for billing;

3. When a utility estimates an account for four consecutive billing periods (monthly accounts), or two consecutive billing periods (bimonthly and quarterly accounts), the utility shall mail a notice marked "Important Notice" to the customer on the fifth and seventh months, respectively, explaining that a meter reading must be obtained and said notice shall explain the penalty for failure to complete an actual meter reading. After all reasonable means to obtain a meter reading have been exhausted, including, but not limited to, offering to schedule meter readings for evenings and on weekends, the utility may discontinue service provided at least eight months have passed since the last meter reading was obtained, the Board has been so notified and the customer has been properly notified by prior mailing. If service is discontinued and subsequently restored, the utility may charge a reconnection charge equal to the reconnection charge for restoring service after discontinuance for nonpayment;

4. Utility companies shall submit to the Board of Public Utilities a statement detailing their estimating procedures;

5. If low estimates result in a customer receiving an actual bill that is at least 25 percent greater than the prior estimated bill, the utility shall allow the customer to amortize the excess amount. The amortization will be in equal installments over a period of time equal to the period when no actual reading was taken by the customer or the utility; and

6. Annually, the utility shall notify all customers of their rights to amortize as set forth in (e)(5) above.

In this case, there were long periods of time where there were not any actual meter readings by PSE&G. There was no evidence that the either meter was inaccurate. The March 2013 actual meter readings show that the balance owed by petitioner is \$12,988.21 on the second-floor account. Petitioner does not have an outstanding balance on the first-floor account. All of the charges from September 17, 2008, through March 5, 2013, on the house account were cancelled. I **CONCLUDE** that as of March 2, 2013, petitioner owed PSEG \$12,988.21 on the second-floor account. Petitioner is also owed a \$600 credit, which was acknowledged by PSE&G.

ORDER

It is **ORDERED** that the respondent reimburse or credit petitioner the amount of \$600.

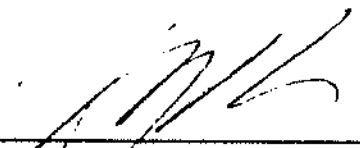
It is further **ORDERED** that petitioner has an outstanding balance of \$12,988.21 on account number 65 883 319 18, the second-floor account.

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.

4-9-13
DATE


KIMBERLY A. MOSS, ALJ

Date Received at Agency:

APR 10 2013


DIRECTOR AND
CHIEF ADMINISTRATIVE LAW JUDGE

Date Mailed to Parties:

ljb

WITNESSES

For Petitioner:

None

For Respondent:

Edward Sullivan

EXHIBITS

For Petitioner:

- P-1 PSE&G bill for Wanda Walker dated December 2007
- P-2 PSE&G bill for Khalilah Avrahams dated November 2009
- P-3 Letters from petitioner
- P-4 Application for Test dated March 11, 2013
- P-5 Receipts
- P-6 Statement of account for account number 65 883 319 18 dated August 18, 2011
- P-7 Statement of account for account number 65 883 319 18 ending February 19, 2013
- P-8 Statement of account for account number 69 087 194 05 ending January 30, 2013
- P-9 PSE&G bills of petitioner for account number 65 635 408 05
- P-10 PSE&G bills of petitioner for account number 69 087 194 05
- P-11 PSE&G bills of petitioner for account number 65 883 319 18 - formerly account number 12 479 103 69

For Respondent:

- R-1 Statement of account for account number 65 833 319 18
- R-2 Statement of account for account number 69 087 194 0 5
- R-3 Letter from respondent dated March 11, 2013, including an updated statement of account for account number 65 833 319 18
- R-4 Letter from respondent dated March 25, 2013

To: Mr. King, Board of Public Utilities and
to whom it may concern at the office of Administrative Law
-ron's Alva Muhammad

Re: O.A.L Hearing Request, attachment
Date: 3/28/12

EL 12046 50311

APR 2012

NOV 2010

As per our conversation, there are other
documents, however, some need to be located
and others are making the package too large
and not cost effective.

Thank you,
Ms. Muhammad