



Agenda Date: 7/19/13

Agenda Item: VIIB

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

GILBERT ZINGARO,)	ORDER ADOPTING INITIAL
Petitioner)	DECISION SETTLEMENT
)	
V.)	
)	
PUBLIC SERVICE ELECTRIC AND GAS COMPANY,)	BPU DKT. NO. GC13020133U
Respondent)	OAL DKT. NO. PUC04677-13

Parties of Record:

Tamara L. Loatman-Clark, Esq., appearing for Petitioner, Gilbert Zingaro
Amanda D. Johnson, Esq., on behalf of Respondent, Public Service Electric and Gas Company

BY THE BOARD:

On February 11, 2013, Gilbert Zingaro ("Petitioner") filed a petition 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, 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 June 5, 2013, and submitted to the Board on June 7, 2013, to 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, and in order to fully resolve this matter in settlement of the petition filed by Petitioner on February 4, 2013, and to avoid further delay and cost, the parties have agreed to the following terms: (1) Respondent will credit Petitioner's accounts

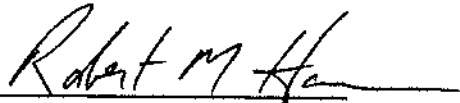
ending in the numbers 5505, 3207 and 3304 in the amounts of \$3,404.25, \$706.91 and \$1,303.89, respectively, resulting in a total credit of \$5,415.05 and leaving each account with a zero balance; (2) Within seven (7) days of the signing of the Stipulation, Respondent shall report to its collection agency that this matter has been resolved and direct said agency to cease all collection activities and to update the information on the three (3) affected accounts to show a zero balance; (3) Within seven (7) days of the signing of the Stipulation, Respondent shall direct Experian, TransUnion and Equifax to correct and remove any negative notations that may have been made to Petitioner's credit report in connection with this particular matter; and (4) Respondent will immediately install new gas meters after the Petitioner has satisfied all municipal code and inspection requirements related to the installation of gas meters at the subject property, and Petitioner's agreement to install appliances at the property, if such appliances have not been already installed. Petitioner further agreed to provide Respondent with a list of the load that is connected or will be connected to the meters.

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.

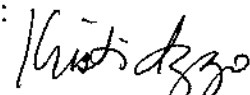
DATED: 7/19/13

BOARD OF PUBLIC UTILITIES
BY:



ROBERT M. HANNA
PRESIDENT


JEANNE M. FOX
COMMISSIONER
JOSEPH L. FIORDALISO
COMMISSIONER
MARY-ANNA HOLDEN
COMMISSIONER
DIANNE SOLOMON
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



GILBERT ZINGARO

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU DOCKET NO. GC13020133U

OAL DOCKET NO. PUC04677-13

SERVICE LIST

<p>Gilbert Zingaro 186 North 18th Street East Orange, New Jersey 07017</p> <p>Tamara L. Loatman-Clark, Esq. 7 Park Street Montclair, New Jersey 07042</p> <p>Amanda D. Johnson, Esq. PSEG Services Corporation 80 Park Plaza – T5 Newark, New Jersey 07102-4194</p> <p>David Wand, DAG Division of Law 124 Halsey Street Post Office Box 45029 Newark, New Jersey 07101-45029</p>	<p>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</p> <p>Julie Ford-Williams, Bureau Chief Division of Customer Assistance Board of Public Utilities 44 South Clinton Avenue, 9th Floor Post Office Box 350 Trenton, New Jersey 08625-0350</p>
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CMS
Business
DAG
KPT
Lanunt
DeRose
H. G. ...
Lee-Jones



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

RECEIVED
JUN 17 7 47 12 30
MAY 20 11 2013

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 04677-13

AGENCY DKT. NO. EC13020133U

G

GILBERT ZINGARO,

Petitioner,

v.

**PUBLIC SERVICE ELECTRIC AND GAS
COMPANY,**

Respondent.

Tamara L. Loatman-Clark, Esq. on behalf of petitioner

Amanda Johnson, Esq. on behalf of respondent (PSE&G Services Corporation)

Record Closed: June 5, 2013

Decided: June 5, 2013

BEFORE KIMBERLY A. MOSS, ALJ:

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. An in person prehearing was conducted on April 18, 2013. Status conferences were conducted on April 24 and May 15, 2013 wherein the parties engaged in extensive settlement discussions. A tentative hearing date was scheduled for June 19, 2013. Prior to the hearing date the parties reached a settlement. On June 5, 2013 respondent's counsel submitted a Stipulation of Settlement, which is attached hereto for reference.

I have reviewed the record and terms of the Stipulation of 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.

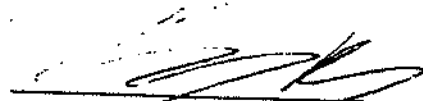
I **CONCLUDE** that the agreement meets the requirements of N.J.A.C. 1:1-19.1 and therefore, it is **ORDERED** that the parties comply with the settlement terms and that these proceedings be and are hereby concluded.

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 (45) 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.

June 5, 2013

DATE



KIMBERLY A. MOSS, ALJ

Date Received at Agency:

Date Mailed to Parties:

ljb

Amanda Johnson
Counsel

Law Department
80 Park Plaza, T5, Newark, NJ 07102-4194
tel: 973.430.6403 fax: 973.645.1307
email: amanda.johnson@pseg.com



June 4, 2013

UPS NEXT DAY

Honorable Kimberly A. Moss
Office of Administrative Law
33 Washington Street
Newark, NJ 07102

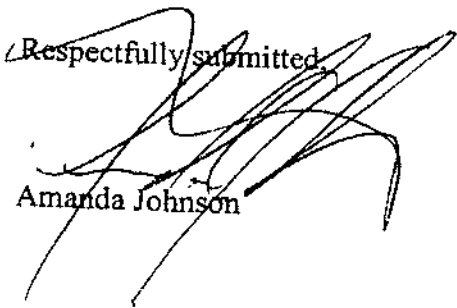
Re: Gilbert Zingaro v. PSE&G
BPU Docket No. GC13020133U
OAL Docket No. PUC 04677-2013N
Stipulation of Settlement

RECEIVED
2013 JUN -5 A 11:52
STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

Dear Judge Moss:

Enclosed please find a signed Stipulation of Settlement with reference to the above-captioned matter. Accordingly, please cancel the hearing scheduled for June 19, 2013 at 9:00 a.m.

Respectfully submitted,


Amanda Johnson

AJ/jb
Enclosure

cc: Tamara L. Loatman-Clark, Esq. (w/enc.)
Edward B. Sullivan (w/enc.)

STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

RECEIVED

Gilbert Zingaro

Petitioner,

v.

Public Service Electric & Gas Company

Respondent.

)
) BPU DOCKET NO. GC13020133U
)
) OAL DOCKET NO. PUC 04677-2013 N
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) **STIPULATION OF SETTLEMENT**
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2013 JUN -5 A 11: 52
STATE OF NEW JERSEY
OFFICE OF ADMIN LAW

On or about February 4, 2013, Petitioner filed the above-referenced billing dispute. Public Service Electric & Gas Company ("PSE&G" or "Respondent") filed an answer to Petitioner's 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 interests of resolving this matter without further delay, extensive effort and cost, the parties hereto agreed to settle this matter in accordance with the following terms:

1. PSE&G agrees to credit the following amounts to Petitioner's respective accounts: \$3,404.25 to account no. [REDACTED] 5505; \$706.91 to account no. [REDACTED] 3207; and \$1,303.89 to account no. [REDACTED] 3304. The total amount to be credited to Petitioner is \$5,415.05. After applying the above-referenced credits, account numbers [REDACTED] 5505, [REDACTED] 3207, and [REDACTED] 3304 will each have a zero (\$0.00) balance.
2. Within seven (7) days of this Stipulation of Settlement being signed, PSE&G shall report to Harris & Harris, its collection agency, that this matter has been resolved. At this time, it shall further direct its collection agency to immediately cease any and all collection related thereto and to update each of the disputed collection accounts to reflect a zero (\$0.00) balance.
3. Within seven (7) days of this Stipulation of Settlement being signed, PSE&G shall direct Experian, TransUnion, and Equifax to correct and remove any negative notations that may have been made to Petitioner's credit report in connection with the instant dispute. Respondent and Petitioner acknowledge that the aforementioned credit reporting agencies may take up to sixty (60) days to modify the reports accordingly.
4. PSE&G agrees to immediately install new gas meters pursuant to the following conditions precedent:

(a) Petitioner agrees to satisfy all municipal code and inspection requirements related to the installation of gas meters at 186 North 18th Street, East Orange, New Jersey 07017 ("Property"); and


(b) Petitioner agrees to install appliances at the Property, if such appliances have not already been installed. Petitioner further agrees to provide Respondent with a list of the load that is connected or will be connected to the meters.

5. This agreement is in settlement of the Petition filed by Petitioner on or about February 4, 2013.

6. 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.

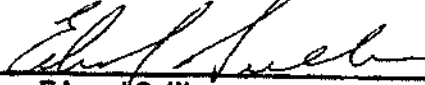
PSEG SERVICES CORPORATION

DATED: 6/4/2013

By: 
Amanda D. Johnson, Esq.
Attorney for PSE&G

PUBLIC SERVICE ELECTRIC & GAS CO.

DATED: 6/4/2013

By: 
Edward Sullivan
Manager of Customer Operations


THE CLARK LAW GROUP, LLC

DATED:

By: 
Tamara L. Loatman-Clark, Esq.
Attorney for Petitioner

PETITIONER

DATED:

By: 
Gilbert Zingaro
Petitioner