



Agenda Date: 1/29/14
Agenda Item: VIIC

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

PHILLIPS ASSET MANAGEMENT COMPANY, INC.,)	ORDER ADOPTING INITIAL
Petitioner)	DECISION SETTLEMENT
)	
V.)	
)	
PUBLIC SERVICE ELECTRIC AND GAS COMPANY,)	BPU DOCKET NO. EC13060459U
Respondent)	OAL DOCKET NO. PUC 12617-2013N

Parties of Record:

Andrew Phillips, Petitioner, pro se
Amanda Johnson, Esq., appearing on behalf of Respondent, Public Service Electric and Gas Company

BY THE BOARD:

On June 7, 2013, Phillips Asset Management Company ("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") Leland S. McGee.

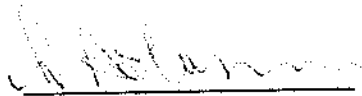
While this matter was pending at the OAL, the parties engaged in negotiations and entered into and signed a Stipulation of Settlement ("Stipulation") that was submitted to the ALJ. By Initial Decision issued on December 23, 2013 and submitted the Board on December 27, 2013, to which the Agreement was attached and made a part thereof, ALJ McGee 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 Stipulation, Respondent has agreed to credit \$101,815.84 to Petitioner's account for electric and gas service, resulting in a \$0.00 balance and the account being closed.

After review of the Initial Decision and the Stipulation of Settlement of the parties, the Board **HEREBY FINDS** that the parties have voluntarily agreed to the Stipulation as evidenced by their signatures and that by the terms of the Stipulation agreement, have fully resolved all outstanding contested issues in this matter.

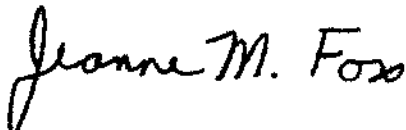
Accordingly, the Board **HEREBY ADOPTS** the Initial Decision and Stipulation of Settlement executed by the parties in their entirety as if set forth at length herein.

DATED: 1/30/14

BOARD OF PUBLIC UTILITIES
BY:



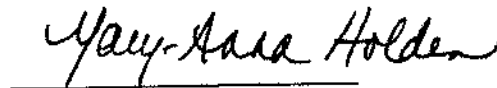
DIANNE SOLOMON
PRESIDENT



JEANNE M. FOX
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER



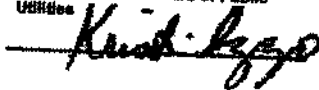
MARY-ANNA HOLDEN
COMMISSIONER

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.



KRISTI IZZO

PHILLIPS ASSET MANAGEMENT COMPANY, INC.

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU DOCKET NO. EC13060459U
OAL DOCKET NO. PUC 12617-2013N

SERVICE LIST

Andrew M. Phillips, President
Phillips Asset Management Company, Inc.
248 Columbia Turnpike
Florham Park
New Jersey 07932

Amanda Johnson, Esq.
PSE&G Services Corporation
80 Park Plaza – T5
Newark, New Jersey 07102-4194

Jennifer Hsia, DAG
Department of Law & Public Safety
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, New Jersey 07101-45029

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

copy

Kwd
12/30/13

REC'D
2013 DEC 27 PM 7:44
NJ EPU
CASE MANAGEMENT



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

RECEIVED
2013 DEC 27 PM 12:58
NJ BPU
MAILROOM

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 12617-13
AGENCY DKT. NO. EC13060459U

**PHILIPS ASSET MANAGEMENT
COMPANY, INC.,**

Petitioner,

v.

**PUBLIC SERVICE ELECTRIC
AND GAS COMPANY,**

Respondent.

Andrew Philips, for petitioner, pro se

Amanda Johnson, Esq., for respondent

Record Closed: December 19, 2013

Decided: December 23, 2013

BEFORE **LELAND S. MCGEE**, ALJ:

On September 5, 2013, 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. During the pendency of the case at the OAL, the parties reached a Settlement. A Settlement Agreement was prepared and executed indicating the terms of the agreement, which are incorporated herein by reference.

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 agreement or their representatives' agreement as set forth above.
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.

December 23, 2013
DATE


LELAND S. MCGEE, ALJ

Date Received at Agency:

December 23, 2013

Date Mailed to Parties:

lr

Attachment

STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

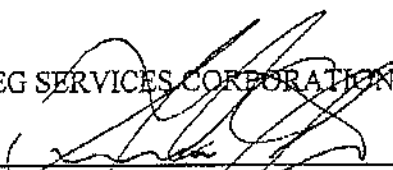
Phillips Assets Management Company, Inc.)	
)	BPU DOCKET NO. EC13060459U
Petitioner,)	
)	OAL DOCKET NO. PUC 12617-2013 N
v.)	
)	
)	STIPULATION OF SETTLEMENT
Public Service Electric & Gas Company)	
)	
Respondent.)	

On or about June 7, 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:

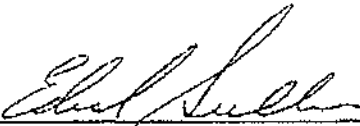
1. PSE&G agrees to credit \$101,815.84 to Petitioner's account for electric and gas service resulting in a \$0.00 balance and the account being closed.
2. This agreement is in settlement of the Petition filed by Petitioner on or about June 7, 2013.
3. In furtherance of this agreement and upon its approval by the Board the parties will exchange mutual releases, releasing each party from any further action or liability in this matter.
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.

PSEG SERVICES CORPORATION

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

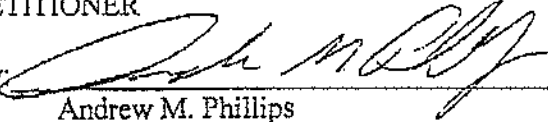
Date: 12/18/13

PUBLIC SERVICE ELECTRIC & GAS CO.

By: 
Edward Sullivan
Manager of Customer Operations

Date: 12/18/13

PETITIONER

By: 
Andrew M. Phillips
President
Phillips Asset Management Company,
Inc.

Date: 12-10-13

CONDALaura S JAMES
Notary Public
State of New Jersey
My Commission Expires Mar 17, 2015

RELEASE

This RELEASE, dated

BY the Releasor(s): Phillips Asset Management Company, Inc and West Caldwell Office Associates, LLC referred to as "I,

TO the Releasee(s): Public Service Electric and Gas Company

1. Release. I release and give up any and all claims and rights which I may have against you as detailed below. This Release applies to claims resulting from anything which has happened up to now or may happen in the future in relation to the following:

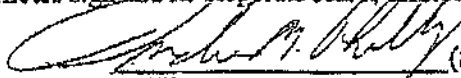
Any and all claims that we may have with regard to the Revenue Integrity Statement dated May 17, 2013, for RID account No. 70 9 [REDACTED], which alleged or claimed that the Releasor owed \$101,815.84 for illegally installed devices at its property located at 1129 Bloomfield Avenue, West Caldwell, New Jersey.

Such claims are more particularly described in BPU Docket No. EC13060459U and OAL Docket No. PUC 12617-2013 N.

2. Payment. I have received a mutual release from Releasee in exchange for making this Release. I agree that I will not seek anything further including any other payment from you.

3. Who is Bound. I am bound by this Release. Anyone who succeeds to my rights and responsibilities, such as heirs or the executor of my estate(s), is also bound. This Release is made for your benefit and all who succeed to your rights and responsibilities, such as your heirs or executors of your estate.

4. Signatures. I understand and agree to the terms of this Release. If this Release is made by a corporation its proper corporate officers sign and its corporate seal is affixed.

 (Seal)
Phillips Asset Management Company, Inc.
By: Andrew Phillips, President

STATE OF NEW JERSEY :ss.
COUNTY OF MORRIS :

I CERTIFY that on *December 11, 2013* Andrew Phillips personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) is the President of Phillips Asset Management Company, Inc., the company named in this document;
- (b) this document was signed, sealed and delivered by Phillips Asset Management Company, Inc., as its voluntary act duly authorized by a proper resolution of its Board of Directors;
- (c) this person signed this proof to attest to the truth of these facts.

CONDALAURA S JAMES
Notary Public
State of New Jersey
My Commission Expires Mar 17, 2015

Signed and sworn to before me on

Condalaura S. James

Notary Public of the State of New Jersey



(Seal)

West Caldwell Office Associates, LLC
By: Andrew Phillips, Managing Member

STATE OF NEW JERSEY :ss,
COUNTY OF MORRIS :

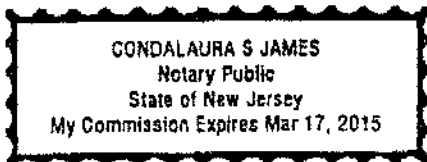
I CERTIFY that on December 11, 2013 Andrew Phillips personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) is the Managing Member of West Caldwell Office Associates, LLC, the company named in this document;
- (b) this document was signed, sealed and delivered by West Caldwell Office Associates, LLC, as its voluntary act duly authorized by a proper resolution of its Members;
- (c) this person signed this proof to attest to the truth of these facts.

Signed and sworn to before me on

Condalaura S. James

Notary Public of the State of New Jersey



RELEASE

This RELEASE, dated

BY the Releasor(s): **Public Service Electric and Gas Company** referred to as "I,

TO the Releasee(s): **Phillips Assct Management Company, Inc and West Caldwell Office Associates, LLC**

1. **Release.** I release and give up any and all claims and rights which I may have against you as detailed below. This Release applies to claims resulting from anything which has happened up to now or may happen in the future in relation to the following:

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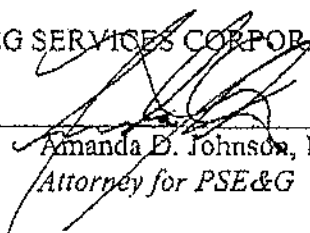
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4. **Signatures.** I understand and agree to the terms of this Release. If this Release is made by a corporation its proper corporate officers sign and its corporate seal is affixed.

PSEG SERVICES CORPORATION

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

Date: 12/18/13

PUBLIC SERVICE ELECTRIC & GAS CO.

By: 
Edward Sullivan
Manager of Customer Operations

Date: 12/18/13