

Agenda Date: 10/22/14 Agenda Item: VIIA

CUSTOMER ASSISTANCE

# STATE OF NEW JERSEY

Board of Public Utilities 44 South Clinton Avenue, 9<sup>th</sup> Floor Post Office Box 350 Trenton, New Jersey 08625-0350

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JESSE J. AVERHART,	)	ORDER ADOPTING INITIAL
Petitioner	)	DECISION SETTLEMENT
	)	
V.	)	
	)	
PUBLIC SERVICE ELECTRIC AND GAS COMPANY,	)	BPU DOCKET NO. GC13040334U
Respondent	)	OAL DOCKET NO. PUC 9394-13

#### Parties of Record:

Jesse J. Averhart, appearing <u>pro se</u>
Sheree L. Kelly, Esq., appearing on behalf of Respondent, Public Service Electric and Gas Company

#### BY THE BOARD1:

On or about April 16, 2013, Jesse J. Averhart ("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") Jeff S. Masin.

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 September 18, 2014 and submitted to the Board on September 24, 2014, to which the Stipulation was attached and made part thereof, ALJ Masin 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.

<sup>&</sup>lt;sup>1</sup> Commissioner Upendra J. Chivukula recused himself due to a potential conflict of interest and as such took no part in the discussion or deliberation of this matter.

Pursuant to the Stipulation, the parties have agreed, in the interest of resolving all outstanding issues in this matter without further delay, extensive effort and costs, that the Respondent shall (1) apply a credit to Petitioner's account by check in the amount of \$5,876.40; and (2) replace the electric meter provided that the Petitioner provides access to the property.

After review of the Initial Decision and the Stipulation of Settlement of the parties, the Board <u>HEREBY FINDS</u> that the parties have voluntarily agreed to the Stipulation 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 <u>HEREBY ADOPTS</u> the Initial Decision and Stipulation of Settlement executed by the parties in their entirety as if set forth at length herein.

DATED: 10/22/14

BOARD OF PUBLIC UTILITIES BY:

/RICHARD S. MROZ / PRESIDENT

JOSEPH L. FIORDÁLISO

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 Ities of the Board of Public Hillians & ...

## JESSE J. AVERHART, Petitioner

V.

## PUBLIC SERVICE ELECTRIC AND GAS COMPANY, Respondent

## BPU DOCKET NO. GC13040334U OAL DOCKET NO. PUC 9394-13

## **SERVICE LIST**

Jesse J. Averhart 23 North Lenape Avenue Trenton, New Jersey 08618

Sheree L. Kelly, Esq.
PSEG Services Corporation
80 Park Plaza – T5G
Newark, New Jersey 07102-4194

Jennifer Hsia, DAG 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, 9<sup>th</sup> 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, 9<sup>th</sup> Floor Post Office Box 350 Trenton, New Jersey 08625-0350



INITIAL DECISION SETTLEMENT

OAL DKT. NO. PUC 9394-13 AGENCY DKT. NO. C1304334U

JESSIE J. AVERHART,

Petitioner,

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY,

Respondent.

Jessie J. Averhart, petitioner, pro se

Sheree L. Kelly, Esq., for respondent

Record Closed: September 17, 2014

Decided: September 18, 2014

BEFORE JEFF S. MASIN, ALJ:

Petitioner, Jesse J. Averhart, requests a hearing regarding alleged excessive utility billing by the New Jersey Public Service and Electric and Gas Company.

The matter was transmitted to the Office of Administrative Law (OAL) on July 2, 2013, and assigned to The Honorable Robert W. Bingham, II. A hearing was scheduled for September 17, 2014. Prior to the hearing date, the matter was reassigned to me.

By letter dated September 11, 2014, counsel for respondent advised that the matter had been settled and on September 16, 2014, an executed settlement agreement was filed in the OAL.

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 signatures or their representatives' signatures.
- 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.

#### OAL DKT, NO. PUC 9394-13

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.

September 18, 2014	
DATE	JEFF S. MASIN, ALJ
Date Received at Agency:	- <i>i</i>
Date Mailed to Parties:	9/19/14
mph	

# STATE OF NEW JERSEY OFFICE OF ADMINISTRATIVE LAW

	AP -
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Jesse J. Averhart	OAL Docket No. PUC 09394-2013 S
Petitioner	BPU Docket No. GC1304334U
v.	STIPULATION OF SETTLEMENT
Public Service Electric and Gas Company,	)
Respondent	
	i .

This matter having been brought before the Office of Administrative Law by the Petitioner, Jesse J. Averhart ("Petitioner"), against Respondent Public Service Electric and Gas Company ("PSE&G" or "Respondent") for utility service rendered by PSE&G to the premises 23 North Lenape Avenue, Trenton, NJ 08618 (the "Property") and the Parties having agreed to settle this matter, hereby set forth the terms and conditions of their settlement agreement as follows:

- 1. PSE&G will credit Petitioner's account in the amount of \$5876.40;
- 2. The credit balance will be issued by check to Petitioner; and
- 3. PSE&G will replace the electric meter, provided Petitioner provides access to the property.

Petitioner: Jesse J. Averhart

Date: 9 9 14

Respondent: PSE&G

Sheree L. Kelly, Esq.

Assist. General Regulatory Counsel

Date: