



Agenda Date: 10/15/15
Agenda Item: VIIE

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

JOE BITONDO,)	ORDER ADOPTING INITIAL
Petitioner)	DECISION SETTLEMENT
)	
v.)	
)	
PUBLIC SERVICE ELECTRIC AND GAS COMPANY,)	BPU DOCKET NO. EC15040493U
Respondent.)	OAL DOCKET NO. PUC 08550-15

Parties of Record:

Joe Bitondo, pro se
Alexander C. Stern, Esq., on behalf of Respondent, Public Service Electric and Gas Company

BY THE BOARD:¹

On April 28, 2015, Joe Bitondo (“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 allegedly high bills 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”) Barry E. Moscowitz.

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 23, 2015, and submitted to the Board the same day, to which the Stipulation was attached and made part thereof, ALJ Moscowitz 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.

¹ 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.

Among the terms of their agreement, the Respondent shall credit Petitioner's primary account in the amount of \$495.42, leaving an outstanding overdue balance on that account of \$4,800.00.

In addition to timely paying his bills to Respondent for utility service, Petitioner will enter into a twenty four (24) month Deferred Payment Arrangement ("DPA") by which to pay the overdue balance. Said arrangement calls for twenty-four (24) supplemental monthly payments of \$200.00. Should Petitioner fail to abide by the DPA, Respondent would be entitled to all amounts due and owing prior to the settlement being entered into and it may exercise its authority in accordance with its tariffs and N.J.A.C. 14:3-3A.1 et seq.

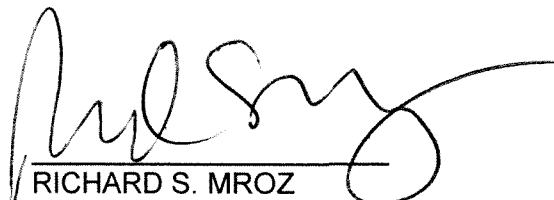
After review of the record and the Stipulation of Settlement of the parties, the Board **HEREBY FINDS** that the parties have voluntarily agreed to the Stipulation as evidenced by their signatures and that by the terms of the Stipulation of Settlement, have fully resolved all outstanding contested issues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

Accordingly, the Board **HEREBY ADOPTS** the Initial Decision and the Stipulation of Settlement executed by the parties in their entirety as if they were attached hereto and made a part hereof.

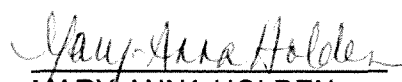
The effective date of this Order is October 25, 2015.

DATED: *October 15, 2015*


BOARD OF PUBLIC UTILITIES
BY:


RICHARD S. MROZ
PRESIDENT

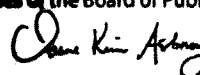

JOSEPH L. FIORDALISO
COMMISSIONER


MARY-ANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
COMMISSIONER

ATTEST: 
IRENE KIM ASBURY
SECRETARY

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



JOE BITONDO

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU DOCKET NO. EC15040493U
OAL DOCKET NO. PUC 08550-15

SERVICE LIST

Joe Bitondo
128 Mount Pleasant Avenue, Floor 1
Woodland Park, NJ 07424

Alexander C. Stern, Esq.
PSEG Services Corporation
80 Park Plaza – T5G
Newark, NJ 07102

Veronica Beke, DAG
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, NJ 07101-45029

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



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 08550-15

AGENCY DKT. NO. EC15040493U

JOE BITONDO,

Petitioner,

v.

**PUBLIC SERVICE ELECTRIC AND GAS
COMPANY BILLING DISPUTE,**

Respondent.

Joe Bitondo, petitioner, pro se

Alexander C. Stern, Esq., for respondent

Record Closed: September 18, 2015

Decided: September 21, 2015

BEFORE **BARRY E. MOSCOWITZ, ALJ:**

This matter was transmitted to the Office of Administrative Law (OAL) on June 11, 2015, for resolution as a contested case pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F1 to -13.

The attached Stipulation of Settlement was submitted indicating the terms of agreement which are incorporated herein by reference.

Having reviewed the record and the settlement terms, I **FIND**:

1. The parties have voluntarily agreed to the settlement as evidenced by their signatures and/or the signatures of their representatives.
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.

9/21/15

DATE



BARRY E. MOSCOWITZ, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

dr

**STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW**

Joe Bitondo)	
)	BPU DOCKET NO. EC15040493U
)	OAL DOCKET NO. PUC08550-2015N
Petitioner,)	
)	
v.)	
)	STIPULATION OF SETTLEMENT
Public Service Electric & Gas Company)	
)	
Respondent.)	

RECEIVED
2015 SEP 18 P 2:40
STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

On or about May 12, 2015, Petitioner filed the above-referenced billing dispute. Public Service Electric & Gas Company ("PSE&G" or "Respondent") filed an answer to the 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 amicably and to avoid further delay and costs to the parties, the parties hereto agreed to settle this matter in accordance with the following terms:

1. Petitioner and PSE&G (collectively, "the Parties") acknowledge that there is a \$5,295.42 outstanding balance associated with electric and gas utility service for Petitioner's residential account located at 128 Mount Pleasant Avenue, Fl 1, Woodland Park, NJ 07424.

2. In the interests of good customer relations and to help facilitate an amicable resolution of this matter, PSE&G agrees to credit Petitioner's account \$495.42. In doing so, the outstanding balance associated with Petitioner's electric and gas utility service will be reduced to \$4,800.

3. The Parties have agreed to a deferred payment arrangement ("DPA") in which Petitioner has agreed to pay \$200 per month plus current bills for twenty-four (24) months. Petitioner is not foreclosed from paying more than \$200 per month towards the DPA or from paying off the \$4,800 settlement amount due prior to the 24 month deferred payment period allotted.

4. Petitioner agrees to timely pay his PSE&G monthly bills for electric and gas service as well as the \$200 per month associated with the DPA. The DPA shall

commence as of Petitioner's October 2015 monthly bill and reference to the DPA will be included in Petitioner's utility bill.

5. If Petitioner fails to keep the agreement as set forth in the deferred payment arrangement established in paragraph 3 above and/or fails to make payments associated with current electric and gas service, Petitioner understands that PSE&G would be entitled to all amounts due and owing prior to the settlement being entered into and that PSE&G may exercise its authority in accordance with its tariffs and the provisions of N.J.A.C. 14:3-3A.1 et seq. to discontinue service.

6. In addition to payments under the deferred payment arrangement established in paragraph 3, Petitioner agrees and understands that he must make timely payment of PSE&G monthly utility bills for utility service so long as he remains a PSE&G customer.

7. This agreement is in full settlement of the Petition filed by Petitioner on or about May 12, 2015.

8. 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
Attorneys for PSE&G

DATED: 9/16/15

By: Alexander C. Stern

Alexander C. Stern, Esq.
Associate General Regulatory Counsel

PUBLIC SERVICE ELECTRIC & GAS CO.

DATED: 9-16-15

By: James T. Walsh

James T. Walsh
Senior Customer Relations Consultant

DATED: 9-10-15

By: Joe Bitondo

Joe Bitondo, Petitioner