



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

GERTRUDE HOLMES,)	ORDER OF EXTENSION
Petitioner)	
)	
v.)	
)	
PUBLIC SERVICE ELECTRIC AND GAS COMPANY)	BPU Docket No. EC18030267U
Respondent)	OAL Docket No. PUC 07972-18

(SERVICE LIST ATTACHED)

The Initial Decision of the Administrative Law Judge was received by the Board of Public Utilities (Board) on March 12, 2020; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on April 27, 2020. Prior to that date, the Board requests an additional 45-day extension of time for issuing the Final Decision in order to adequately review the record in this matter.

Good cause having been shown, pursuant to N.J.S.A. 52:14B-10(c) and N.J.A.C. 1:1-18.8, **IT IS ORDERED** that the time limit for the Board to render a Final Decision is extended until June 11, 2020.

DATED: March 27, 2020

BOARD OF PUBLIC UTILITIES
BY:¹

JOSEPH L. FIORDALISO
PRESIDENT

ATTEST:

AIDA CAMACHO-WELCH
SECRETARY

¹ Authorized by Board to execute this Order of Extension on its behalf.

Date Board mailed Order to OAL: 3/27/20

cc: Service List Attached

DATED: 3/30/2020



ELLEN S. BASS, ACTING DIRECTOR AND
CHIEF ADMINISTRATIVE LAW JUDGE

Date OAL mailed executed Order to Board: 3/30/2020

Date Board mailed executed Order to Parties: 4/13/2020

GERTRUDE HOLMES, PETITIOER

V.

PUBLIC SERVICE GAS AND ELECTRIC COMPANY, RESPONDENT

**BPU DOCKET NO. EC18030267U
OAL DOCKET NO. PUC 07972-18**

SERVICE LIST

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BOARD OF PUBLIC UTILITIES
TRENTON, NJ



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SUMMARY DECISION

OAL DKT. NO. PUC 07972-2018

AGENCY DKT. NO. EC18030267U

GERTRUDE HOLMES,

Petitioner,

v.

**PUBLIC SERVICE GAS AND ELECTRIC
COMPANY,**

Respondent.

Gertrude Holmes, pro se, petitioner

**Adrian D. Newall, Senior Counsel for respondent, Public Service Electric and
Gas Company**

Record Closed: January 30, 2020

Decided: March 11, 2020

BEFORE **ANDREW M. BARON, ALJ:**

PROCEDURAL HISTORY

Petitioner, Gertrude Holmes, filed the within matter with the Board of Public Utilities on March 13, 2018 seeking to contest and review of a large bill she received from PSE&G, that she says she is not responsible for. The matter was designated as a

Cms

K. Graham

D. Thomas

J. Ford

R. Lambert

R. Matos

K. Flynn

P. Over

contested case and forwarded to the Office of Administrative Law on May 30, 2018. Due to petitioner's age and health related issues, there were multiple adjournments requested and granted with the consent of PSE&G counsel.

On August 20, 2019, the parties entered into a settlement on the record, with paperwork to be prepared and signed post hearing. After several months of waiting to close out the matter, petitioner represented that she would not sign the settlement papers as it did not accurately reflect what was agreed to at the hearing.

Upon learning of this decision, on November 18, 2019, PSE&G moved for summary decision. On November 27, 2019, petitioner filed opposition to the motion and cross-moved for similar relief. Oral argument was held on January 30, 2020.

SUMMARY

Petitioner owns two properties located at 268 High St. Orange, New Jersey, and 13 Ellis Avenue, Orange, New Jersey. At the time the appeal was filed, petitioner is alleged to have a large outstanding balance of \$8,019.94. Petitioner was unable to present documentation as to why the respondent's figures were incorrect.

Respondent provided over ten pages of materials in support of its contention that petitioner has a large outstanding balance. Prior to the appeal being filed, petitioner was in communication and talks with petitioner requesting any proof that petitioner does not owe the amounts. On March 21, 2017, respondent sent a customer relations consultant letter to petitioner with a detailed account statement dating back to April 5, 2010. The Ellis Avenue property showed a balance of \$2,015.01, and the High Street property showed a balance of \$5,294.93. There was a third account that showed a lower balance of \$1,090.41.

Throughout the course of the dispute, respondent repeatedly requested petitioner provide backup documentation in support of her position that she is not responsible for the outstanding bills.

At the time of the hearing, respondent adjusted the actual amount due to \$7,565.12 based on actual readings.

LAW

Petitioners' have submitted a Motion for the undersigned to dismiss the appeal and enter judgment in the amount of \$7,565.12.

The standard for entering summary decision is when a party seeking such an order is able to demonstrate that there are no outstanding material facts, and the moving party is entitled to prevail as a matter of law. *Brill v. Guardian Life*.

A court must dismiss a complaint if there is no legal basis for entering the requested relief. *Holmin v. TRW Inc.* 330 N.J. Super 30, (App. Div 2000) aff'd 167 N.J. 2005 (2001). A dismissal is mandated where the factual allegations are palpably insufficient to support a claim upon which relief can be granted. *Rieder v. State* 221 N.J. Super 547 (App. Div. 1987).

Petitioner provides no legal basis or documentation to support her claim that none of the outstanding bill is owed. However, she did present a copy of a Chapter 13 bankruptcy, petitioner filed in 2013. Unfortunately, PSE&G was not included on the list of creditors.

In a gesture of good faith, at the time of the hearing, respondent agreed that it was possible that some of petitioner's claim was valid, and subsequently agreed to reduce the amount owed to \$3,361.83, an almost sixty percent reduction of the amount due, payable at an additional \$70 a month for a period of forty-eight months, starting in June 2020.

Petitioner and the undersigned agreed that this was a reasonable outcome of the matter, and respondent further agreed to a ten-day cure period in the event petitioner was late with a monthly payment.

I **FIND** that given all of the circumstances, including the age of the outstanding balance, and the age of the petitioner, respondent is entitled to a determination that petitioner owes the amount of \$3,361.83, payable at the rate of \$70 a month for forty-eight months, with a ten day cure period.

ORDER

Based upon the forgoing, Petitioner's motion for summary decision is **MODIFIED** and **GRANTED**.

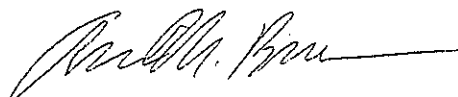
I hereby **FILE** my initial decision with the **BOARD OF PUBLIC UTILITIES** for consideration.

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.

March 11, 2020

DATE



ANDREW M. BARON, ALJ

Date Received at Agency:

March 11, 2020

Date Mailed to Parties:

mm