



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

**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  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

CUSTOMER ASSISTANCE

GLORIA DUNPHY	)	ORDER ADOPTING
Petitioner	)	INITIAL DECISION SETTLEMENT
	)	
V.	)	
	)	
ATLANTIC CITY ELECTRIC COMPANY	)	BPU DOCKET NO. EC13040349U
Respondent	)	OAL DOCKET NO. PUC 09457-2013S

**Parties of Record:**

**Renee E. Suglia, Esq.**, Atlantic City Electric Company  
**Gloria Dunphy**, Petitioner, pro se

**BY THE BOARD:**

This matter involves an electrical billing dispute between Gloria Dunphy ("Petitioner") and Atlantic City Electric Company ("Company" or "ACE"). Petitioner alleged that she was overcharged for electricity at her North Wildwood, New Jersey residence from March through July 2012.

**BACKGROUND**

On April 24, 2013, Petitioner filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to a billing dispute with ACE. Petitioner claimed that since her North Wildwood home was vacant and for sale during the time in dispute, no electrical charges should have accrued. Petitioner also noted that the disputed bills were higher for that period than during any previous period during which the property was vacant.

Respondent filed an Answer on May 28, 2013, after which the Board transmitted this matter to the Office of Administrative Law ("OAL") on July 3, 2013, for an evidentiary hearing and determination 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 matter was assigned to Administrative Law Judge ("ALJ") Bruce M. Gorman.

An evidentiary hearing commenced on November 19, 2013 attended by Petitioner appearing pro se, Petitioner's daughter Katie Dunphy, ACE's Counsel Renee E. Suglia, ACE Senior Analyst Agnes Carpenter and ACE Associate Engineer Robert Polk.

Petitioner presented Katie Dunphy as her only witness. Katie Dunphy presented a letter authored by the North Wildwood property's real estate broker, Brian McDowell. Mr. McDowell's letter indicated that during the time in dispute, the property had been shown to potential buyers on a total of eight occasions during daytime hours only. On cross-examination, however, Ms. Dunphy admitted that the circuit breaker box was unlocked and accessible, all light fixtures contained light bulbs and Mr. McDowell did not deny using electricity in his letter.

At the conclusion of Katie Dunphy's testimony, Respondent presented the testimony of Ms. Carpenter. Ms. Carpenter testified that at Petitioner's request, the Company removed her meter on July 25, 2012 and tested it on November 12, 2012. The results of the meter test indicated that it was performing at an accuracy level of 99.65%. Ms. Carpenter noted that Petitioner has electric heat which tends to lead to customer complaints about high electric bills during heating season.

Sometime after the conclusion of Ms. Carpenter's testimony, the parties informed the ALJ that they had reached a settlement of the dispute. The parties placed the terms of the settlement on the record and followed up with a written and executed copy of their agreement.

The parties acknowledged that by the settlement's terms, all claims related to the March through July 2012 bills rendered by ACE were resolved. In resolution of the dispute, the parties agreed that ACE would apply a \$187.32 credit to Petitioner's account, leaving a balance of \$162.72, exclusive of any additional charges that would subsequently accrue that month. Petitioner agreed to pay the \$162.72 balance by the due date of the next bill.<sup>1</sup>

By Initial Decision issued on November 21, 2013, and submitted to the Board on December 2, 2013, to which the Settlement was attached and made part thereof, ALJ Gorman found that the Settlement was voluntary, fully disposed of all the issues in controversy and satisfied the requirements of N.J.A.C. 1:1-19.1.<sup>2</sup> At its December 18, 2013, Board meeting, staff recommended and was granted a 45-day extension of time for issuing a final decision.

## **DISCUSSION**

After review of the entire record, Initial Decision and the settlement, the Board is satisfied that the settlement was voluntary as evidenced by the parties' signatures and statements on the record, and that its terms fully dispose of all the issues in controversy as required by N.J.A.C. 1:1-19.1.

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<sup>1</sup> In accepting the settlement on the record, ALJ Gorman advised both parties not to do anything until receipt of the final decision.

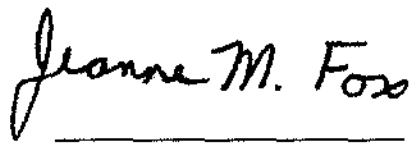
<sup>2</sup> N.J.A.C. 1:1-19.1(b) directs the ALJ to issue an initial decision incorporating the full terms and approving the settlement when the ALJ determines from the written order/stipulation that the settlement is voluntary, consistent with the law and fully dispositive of all issues in controversy.

Accordingly, the Board **HEREBY ADOPTS** the Initial Decision and the Settlement Agreement and Release signed by the parties in their entirety as if fully set forth herein.

DATED: 1/30/14

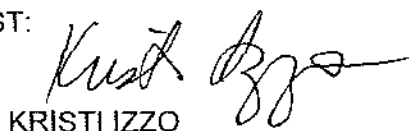
BOARD OF PUBLIC UTILITIES  
BY:

  
DIANNE SOLOMON  
PRESIDENT

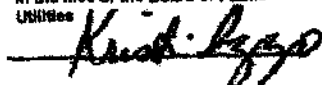
  
JEANNE M. FOX  
COMMISSIONER

  
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



GLORIA DUNPHY

v.

ATLANTIC CITY ELECTRIC COMPANY

BPU DOCKET NO. EC13040349U  
OAL DOCKET NO. PUC 09457-2013S

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Trenton, New Jersey 08625-0350



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.

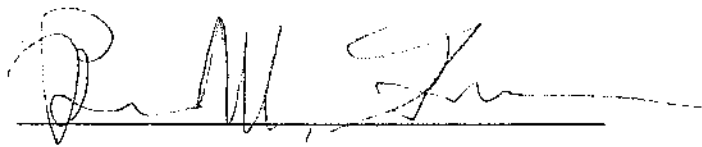
I **CONCLUDE** that this agreement meets the requirements of N.J.A.C. 1:1-19.1 and that the settlement should be approved. I approve the settlement and therefore **ORDER** that the parties comply with the settlement terms and that these proceedings be concluded.

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

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.

November 21, 2013

DATE



**BRUCE M. GORMAN, ALJ**

Date Received at Agency:

November 21, 2013

Date Mailed to Parties:

11/25/13

Gloria Dunphy

v.

Atlantic City Electric ("ACE")

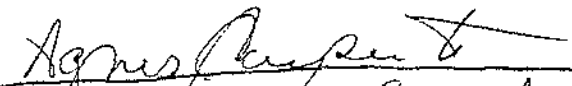
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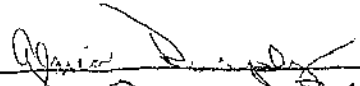
State of NJ / BPU  
Office of Admin Law

### Settlement Agreement

It is on this 19<sup>th</sup> day of November, 2013, agreed as follows:

1. All claims related to the 3/29/2012 through 7/31/2012 bills rendered by ACE, are hereby resolved.  
↳ for the premises at 245 Seabreeze Ct.  
North Wildwood, NJ
2. ACE agrees to credit Petitioner's account in the amount of \$187.32 such that the balance due and owing on the account will be \$162.72. The balance will be paid after the next bill is issued (by that due date).

  
Agnes Carpenter, Senior Analyst  
ACE

  
Gloria Dunphy, Petitioner