

Agenda Date: 8/20/14 Agenda Item: VIIA

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/

ORLY INDUSTRY, INC., Petitioner

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY, Respondent CUSTOMER ASSISTANCE

ORDER ADOPTING INITIAL DECISION SETTLEMENT

BPU DOCKET NO. EC13060460U OAL DOCKET NO. PUC11163-13

Parties of Record:

Mark Vogel. Esq., appearing on behalf of Petitioner, Orly Industry, Inc. Sheree L. Kelly, Esq., appearing on behalf of Respondent, Public Service Electric and Gas Company

BY THE BOARD:

On June 6, 2013, Orly Industry, Inc. ("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 <u>N.J.S.A.</u> 52:14B-1 <u>et seq.</u> and <u>N.J.S.A.</u> 52:14F-1 <u>et seq.</u> This matter was assigned to Administrative Law Judge ("ALJ") Kimberly A. Moss.

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 June 10, 2014 and submitted to the Board on June 12, 2014, to which the Stipulation was attached and made part thereof, ALJ Moss 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.

After review of the Initial Decision and the Stipulation of Settlement of the parties, a copy of which is attached hereto and made a part of this Order, the Board <u>HEREBY</u> <u>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</u> <u>ADOPTS</u> the Initial Decision and Stipulation of Settlement executed by the parties in their entirety.

DATED: 8/20/14

BOARD OF PUBLIC UTILITIES BY:

SOLOMON PRESIDENT

ANNE M. FOX

COMMISSIONER

JOSÉPH L. FIÓRDALISO COMMISSIONER

OMMISSIC

ATTEST:

KRISTI IZZO ⁶ SECRETARY

> I HEREBY CERTIFY that the within document is a true copy of the enternal in the Hies of the Board of Public Utilities

ORLY INDUSTRY, INC.

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU DOCKET NO. EC13060460U OAL DOCKET NO. PUC11163-13

SERVICE LIST

Orly Industry, Inc. 106 Lexington Avenue Brooklyn, New York 11238

Mark Vogel, Esq. 555 Mountain Avenue North Caldwell, NJ 07006

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

Russell Smith, Esq., DAG Division of Law 124 Halsey Street Post Office Box 45029 Newark, NJ 07101-45029 Eric Hartsfield, Director Division of Customer Assistance Board of Public Utilities 44 South Clinton Avenue, 9th Floor Post Office Box 350 Trenton, NJ 08625-0350

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



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INITIAL DECISION

SETTLEMENT OAL DKT. NO. PUC 11163-13 AGENCY DKT. NO. EC13060460U

ORLY INDUSTRY INC., Petitioner, v. PUBLIC SERVICE ELECTRIC AND GAS COMPANY, Respondent.

Mark Vogel, Esq appearing on behalf of petitioner

Sheree L. Kelly, Esq. on behalf of respondent (PSE&G Services Corporation)

Record Closed: June 10, 2014

Decided: June 10, 2014

BEFORE KIMBERLY A. MOSS, ALJ:

On August 2, 2013, this matter was transmitted to the Office of Administrative Law (OAL) for hearing as a contested case pursuant to <u>N.J.S.A.</u> 52:148-1 to-15 and <u>N.J.S.A.</u> 52:14F 1 to-13. On August 27, 2013 the undersigned advised petitioner that Orly Industry Inc is an entity and must be represented by an attorney. The telephone prehearing scheduled September 6, 2013 was adjourned. The matter was rescheduled and conducted on September 16, 2013. Several status conferences were scheduled and conducted thereafter wherein the parties engaged in settlement discussions.

Hearings were scheduled for February 4 and June 10 2014. The February hearing date was adjourned to allow counsel time to negotiate settlement. During the rendency of the June 10, 2014 hearing the parties prepared and submitted a Stipulation of Settlement, which is incorporated herein by reference.

I have reviewed the record and terms of the Stipulation of Settlement and FIP D:

- The parties have voluntarily agreed to the settlement as evider ced by the signatures of the parties or their representatives.
- 2. The settlement fully disposes of all issues in controversy and is consistent with law.

ECONCLUDE that the agreement meets the requirements of <u>N.J.A.2</u>. 1:1-19.1 and therefore, it is **ORDERED** that the parties comply with the settlement ten is and that these proceedings be and are hereby concluded.

I hereby FILE my initial decision with the BOARD OF PUBLIC UT LITIES for consideration.

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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 (45) days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with <u>N.J.S.A.</u> 52:14B-10.

6-10-17

DATE

KIMBERLY A. MOSS, ALJ

Date Received at Agency:

Date Mailed to Parties: ljb

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Urly Industries 300 Doclet No. EC 130604600 OAL Docket NO: DUR 11103 - 2013N 15. PSEYG 1. The total amount due and ouring on account number 69 039 881 06 is \$ 99, 25. 15. o. PSET 6 agrues le accipat 1 41,000.00 mi fill and your settlement on the acard. 3 DETE agree to provide Bill for the Unic period 3/8/13 to 5/14/13 representing \$2, 18.37 which amount is included in the apprementioned settlement amount of 16,000 06. A. DE+G will privide the Gills to Peletranuis Consul al Mart Vogel 1706 Q gmail. com al Hum 10 days (business) from today 55 Politican has 20 bishess dup the capture to dispite the subject of the thoughon email to Respondents council and Starce. Lely & yaseg. com shere. Kelly & Defiturio 6. It to dues not dequite a Here the privad the fill amarit of \$61,000.00 shall be due and awing un accordance a si Yele pagmind plan sot forth Elaw 7. Af Peritioner daes dispute the amount af \$ 25, 175.37 an any parta Here flore

shall be a conference to tween the parties to resolve the dispute 8. If the dispite regarding the \$35, 15.37 con not be resolved Delitioner wernes the right to brage a case before the BPU/OAL Jac the \$ 25, 15.37 9. The 61,000 00 (or such other omand agreed to between the parties up there we a discute regarding the \$25,15.57) p. said som shall be pourid at 5,000.00 per month beginning august 10,2014 and continuing curter said som is pad ci pll. 11. In addim accural no 69 040 624 01 un amound of 109.85 and account no. 69 041 567 08 in the amand & 1626. 17 shall be withdrawn from collectin and shall no longer be due and owing Anna Walk Frim leals I PSET O JENNER ORLE Edduck - June 10, 2014 There p, 2014