

Agenda Date: 11/16/15 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/

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CUSTOMER ASSISTANCE

SWEET GRACE CAKE DESIGNS, LLC, Petitioner.

ORDER ADOPTING INITIAL DECISION SETTLEMENT

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PUBLIC SERVICE ELECTRIC AND GAS COMPANY, Respondent.

BPU DOCKET NO. EC14111273U OAL DOCKET NO. PUC01086-15

Parties of Record:

Andrew Freda, Esq., on behalf of Petitioner, Sweet Grace Cake Designs, LLC Sheree L. Kelly, Esq. and James T. Walsh, Sr. Customer Relations Consultant, on behalf of Respondent, Public Service Electric and Gas Company

BY THE BOARD:1

On November 6, 2014, Sweet Grace Cake Designs, LLC ("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 to the Nicholas Ave premises in Haworth, New Jersey (the "Property").

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 October 16, 2015, and submitted to the Board on October 19, 2015, 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.

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.

Pursuant to the terms of the Stipulation, and in order to fully resolve this matter in settlement of the petition filed by Petitioner, Respondent, with regard to the service provided to the Property, agreed to credit Petitioner's account ending in 597 01 in the amount of \$2,456.26, leaving a balance of \$750.00. Petitioner in return, agreed to pay the balance over three months plus current bill, by the 29th of each month beginning with the August bill. Staff contacted PSE&G regarding settlement payments, James Walsh of Customer Operations advised that the stipulation in this matter was not signed by both parties until the month of October. As a result, the customer made a good-faith payment in October and, as agreed by both parties, will pay the balance in full during the month of November.

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

Accordingly, the Board <u>HEREBY</u> <u>ADOPTS</u> the Initial Decision and the Stipulation executed by the parties in their entirety. The Stipulation is attached hereto and made a part hereof.

The effective date of this Order is November 26, 2015.

DATED: 11-16-15 BOARD OF PUBLIC UTILITIES BY: PRESIDENT JOŚEPH L. FIORDALISO /COMMISSIONER 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

SWEET GRACE CAKE DESIGNS, LLC

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU DOCKET NO. GC14111273U OAL DOCKET NO. PUC01086-15

SERVICE LIST

Andrew Freda, Esq. 421 Oradell Avenue Oradell, NJ 07649

Sheree L. Kelly, Esq. PSEG Services Corporation 80 Park Plaza – T5-G Newark, NJ 07102

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, Chief Division of Customer Assistance Board of Public Utilities 44 South Clinton Avenue, 9th Floor Post Office Box 350 Trenton, NJ 08625-0350

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



State of New Jersey OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION SETTLEMENT OAL DKT. NO. PUC 01086-15 AGENCY DKT. NO. EC14111273U

SWEET GRACE CAKE DESIGNS, LLC,

Petitioner,

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PUBLIC SERVICE ELECTRIC AND GAS COMPANY,

Respondent.

Andrew Freda, Esq. on behalf of petitioner

Sheree Kelly, Esq. and James T. Walsh, Sr. Customer Relations Consultant, on behalf of respondent (PSE&G Services Corporation)

Record Closed: October 15, 2015

Decided: October 16, 2015

BEFORE KIMBERLY A. MOSS, ALJ:

On January 22, 2015, 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>. 52:14B-1 to-15 and <u>N.J.S.A</u>. 52:14F 1 to- 13. A telephone prehearing was scheduled wherein a hearing date was scheduled for July 8, 2015. During the pendency of the hearing the parties engaged in extensive settlement discussions and agreed on a settlement. On October 15, 2015 the undersigned received the Stipulation of Settlement, which is incorporated herein by reference.

I have reviewed the record and terms of the Stipulation of Settlement and FIND:

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

I CONCLUDE that the agreement meets the requirements of <u>N.J.A.</u>C. 1:1-19.1 and therefore, it is **ORDERED** that the parties comply with the settlement terms and that these proceedings be and are hereby 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 (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.

DATE

Date Received at Agency:

KIMBERLY A. MOSS, ALJ

Date Mailed to Parties: ljb

STATE OF NEW JERSEY OFFICE OF ADMINISTRATIVE LAW

Sweet Grace Cake Designs, LLC Petitioner

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Public Service Electric and Gas Company, Respondent OAL Docket No. PUC 01086-2015 N BPU Docket No. EC14111273U

STIPULATION OF SETTLEMENT

This matter having been brought before the Office of Administrative Law by the Petitioner, Sweet Grace Cake Designs, LLC ("Petitioner"), against Respondent Public Service Electric and Gas Company ("PSE&G" or "Respondent") for utility service rendered by PSE&G to the premises 312A Saint Nicholas Avenue, Haworth, NJ 07624 (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. Respondent agrees to credit Petitioner's account ending in 597 01 in the amount of \$2,456.26, leaving a balance of \$750.00.
- -2. Petitioner agrees to pay the balance of \$750.00 over a period of three (3) months plus current bill, by the 29th of each month beginning with the August bill.

Petitioner: Sweet Grace Cake Designs, LLC

By: Andrew Frede

Managing Member

Date:

Welse By: T. Walsh ames

Sr. Customer Relations Consultant

10-15 Date:

Respondent: PSE&O