

Agenda Date: 5/25/16 Agenda Item: 7B

STATE OF NEW JERSEY Board of Public Utilities 44 South Clinton Avenue, 3rd Floor, Suite 314 Post Office Box 350 Trenton, New Jersey 08625-0350 <u>www.nj.gov/bpu/</u>

CUSTOMER ASSISTANCE

ORDER ADOPTING INITIAL DECISION

٧.

ATLANTIC CITY ELECTRIC COMPANY, Respondent. BPU Docket No. EC15070820U OAL Docket No. PUC 15081-15

Parties of Record:

EDWARD J. NESMITH,

Petitioner.

James F. Berardinelli, Esq., on behalf of Petitioner, Edward J. Nesmith Pamela J. Scott, Esq., on behalf of Respondent, Atlantic City Electric Company

BY THE BOARD:

PROCEDURAL HISTORY

By petition filed with the Board of Public Utilities ("Board") on July 17, 2015 ("Petition"), Edward J. Nesmith ("Petitioner") disputed charges associated with electric service provided to his residence in Sewell, New Jersey by Atlantic City Electric Company ("ACE" or "Respondent"). On August 18, 2015, ACE filed an answer to the Petition with affirmative defenses and counterclaims ("Answer"). On August 27, 2015, Petitioner filed a Reply to Affirmative Defenses and Counterclaims.¹ On September 17, 2015 the Board transferred the matter to the Office of Administrative Law for a 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 -23.

The case was assigned to Administrative Law Judge ("ALJ") Joseph F. Martone. An evidentiary hearing was originally scheduled for March 14, 2016, but was rescheduled due to Petitioner's unavailability on that date. The evidentiary hearing then was held before ALJ Martone on March 23, 2016. The record was closed the same day. On April 19, 2016, ALJ Martone issued an

¹ The Petition was filed by Petitioner, *pro se*. The Reply to Affirmative Defenses and Counterclaims was filed by James F. Berardinelli, Esq., on Petitioner's behalf. Mr. Berardinelli also represented Petitioner at the hearing.

Initial Decision in favor of Respondent, denying the relief sought by Petitioner and dismissing the Petition. No exceptions were filed.

BACKGROUND

At the hearing, Petitioner contested the amounts billed to him for the months of January, February, and March 2015, asserting that the bills he received were extraordinarily high. He provided testimony on his own behalf, testifying that he has owned the subject property as his secondary residence for five years. Petitioner testified that he mostly lives in the residence during the summer months, and, as was the case in January, February, and March 2015, mostly travels during the winter and does not reside in the home during that time. He testified that this has been his practice since 2013.

Petitioner further testified that after receiving these high bills, he requested testing of the electric meter serving his home. He produced a letter from ACE dated May 22, 2015, which was marked for identification as Exhibit P-2, explaining the results of the meter test. Petitioner explained that he was notified by ACE that the meter was not operating accurately. He testified that subsequently, a new meter was installed at his home, and the amount he was charged in subsequent months decreased.

On cross examination, Petitioner acknowledged that the subject residence is approximately 5200 square feet and is heated by electricity and gas. He also acknowledged that there is a pool and whirlpool at the residence and a heat pump is used to heat the residence. Petitioner further testified that he has lived at the residence, but not full time, and that a staff worker stays at the residence while Petitioner is away. Petitioner testified that there are a few staff members who have access to his residence to check on it in his absence.

On redirect, Petitioner testified that the size, structure, and amenities at his residence have remained the same since 2013. Upon questioning as to when in 2015 Petitioner's employee stayed at the residence, he was unable to provide actual dates, but did acknowledge it was a possibility that the employee stayed at the residence in the winter of 2015.

Agnes Carpenter then testified on behalf of Respondent. Ms. Carpenter testified that she has been employed as a lead analyst in regulatory executive customer relations for approximately eighteen years. She testified that her job duties include handling customer complaints and analyzing billing data, and that she was assigned to handle Petitioner's complaint.

Specifically regarding the months in dispute, Ms. Carpenter testified that actual meter readings were obtained in January and February 2015, but were flagged and "kicked out" by the system because the usage was higher than normal. As a result, estimated bills were initially provided to Petitioner. Ms. Carpenter testified that when the same thing happened in March, the Company sent an employee out to Petitioner's residence to verify the meter reading, and it was then confirmed that the actual readings were correct. Ms. Carpenter explained that Petitioner's bills for January and February were then adjusted based on the verification of the actual readings in March 2015.

Ms. Carpenter testified that Petitioner's electricity usage is typically higher in the winter, relying upon Exhibit R-2, a usage statement of Petitioner's account that she prepared. She further testified that electric heating, specifically, the use of an electric heat pump, uses a tremendous amount of energy when outside temperatures fall below 40 degrees farenheight. She testified that colder winters, such as the winter of 2015, which was one of the coldest winters on record for our area, would significantly increase one's heating consumption. Ms. Carpenter testified that Petitioner's bills are in line with colder temperatures and electric heating.

ı.

On cross examination, Ms. Carpenter acknowledged, based upon the average daily temperatures indicated on Petitioner's bills submitted by Respondent as Exhibit R-3, that the average daily temperatures for January 2014 and January 2015 were 36 degrees and 35 degrees, respectively, and those for February 2014 and February 2015 were both 27 degrees.

Robert Polk, who next testified on behalf of Respondent, was the final witness. He testified that he has been employed by ACE since 1989 and is an engineer for the meter data analysis group. He confirmed that Petitioner's meter was tested by ACE on May 4, 2015 and explained how the meter operates. Mr. Polk described the meter testing process as well as the internal tests used to ensure accuracy of Respondent's meter testing equipment and process. Mr. Polk identified Exhibit R-4, a printout showing the results of the testing of Petitioner's meter. Mr. Polk explained that Petitioner's meter was found to be 97.162 percent accurate, meaning it was measuring electricity usage slightly less than what was actually being delivered to Petitioner. When questioned, Mr. Polk testified that he has never seen a meter to measure less usage, then measure more usage, fluctuating between the two, but that most meters such as the one tested are static unless tampered with.

On cross examination, when questioned regarding the difference in Petitioner's bills after installation of a new meter given the relatively similar temperatures during past year's winter months, Mr. Polk testified that both meters only record the electricity that is being consumed. Mr. Polk also testified to the chain of custody of a meter being transported from a location to the testing center, and confirmed that a new meter is installed at the time an old meter is removed to be tested, as was the case in Petitioner's home.

On redirect, Mr. Polk testified that each meter has a serial number, which is how every meter and what premises to which it is connected is tracked. Mr. Polk confirmed the serial number shown in R-4 is the serial number for the meter that was removed from Petitioner's residence.

On re-cross, Mr. Polk testified that there is no evidence that the meter removed from Petitioner's residence experienced a lightning strike or surge, but did acknowledge that he had never been to Petitioner's home to verify that.

In closing, ACE argued that Petitioner did not meet his burden to prove that he was being overcharged for the months of January through March 2015. Respondent argued that it had proven that Petitioner's meter was removed, tested, and was found to be capturing slightly less usage than Petitioner had been consuming. Respondent argued that the meter test was accurate and should be relied upon.

In response, Petitioner argued that circumstantial evidence including storms in the area, Petitioner's electricity usage in prior years, and the fact that once a new meter was installed, Petitioner's usage decreased, all support a finding that the meter readings from January, February, and March 2015 were inaccurate and that Petitioner was overcharged. Petitioner also pointed out that the average temperatures from 2014 and 2015 were similar. Petitioner requested a reduction in his bills, consistent with prior years' charges for the months of January, February, and March.

During the hearing, Exhibits P-1 through P-3 and Exhibits R-1 through R-5 were marked for identification and moved into evidence.

In his initial decision, ALJ Martone made specific findings of fact based upon his review of the testimony and exhibits. Specifically, he found that Petitioner's electric meter was removed and tested by ACE, the testing was done using the methods and standards adopted by the Board, and the test found that the meter was measuring at 97.162 percent accuracy, thereby measuring less usage than what was actually being delivered to Petitioner. ALJ Martone further found that the result of the meter test did not support a finding that the meter was reporting more than what was actually being consumed by Petitioner. ALJ Martone also specifically found that Petitioner did not present any expert testimony or other evidence to support his position that the meter measurements reported for January, February, and March 2015 should be completely disregarded as inaccurate. Overall, the ALJ found insufficient evidence in the record to support a reduction in Petitioner's electric bill for the disputed months and accordingly recommended relief be denied and the Petition be dismissed.

DISCUSSION AND FINDINGS

In customer billing disputes before the Board, Petitioners bear the burden of proof by a preponderance of the competent, credible evidence. <u>See Atkinson v. Parsekian</u>, 37 <u>N.J.</u> 143, 149 (1962).

The Board adopts ALJ Martone's finding that, based upon the evidence presented, the meter testing methods described by Respondent were adequate and reliable in accordance with <u>N.J.A.C.</u> 14:5-4 et seq.

Petitioner failed to present any compelling testimony proving that the meter readings from January, February, and March 2015 were inaccurate to his detriment. He thus failed to prove that he had been overcharged for electricity consumption in these months. The Board notes that pursuant to <u>N.J.A.C.</u> 14:5-4.3, Petitioner's meter was found to be inaccurate as it was measuring greater than two percent less than Petitioner's actual consumption. Under <u>N.J.A.C.</u> 14:3-4.6(d), Respondent could seek to recover for underbilling if the meter was tampered with, proving theft of utility service, if the meter failed to register any usage, or if a customer should have known that the bill did not reflect the customer's actual usage. As set forth in Exhibit P-2, Respondent is not seeking to recover from Petitioner any amount underbilled as the result of the meter's slow operation.

Here, the inaccuracy was in Petitioner's favor, and there was no testimony presented that proved the meter was measuring more consumption at any time than Petitioner actually used. In fact, Respondent's expert, Robert Polk, testified that in his many years of experience, he has

never seen a meter of the type in question to fluctuate in such a manner. Petitioner did not present testimony rebutting that of Mr. Polk.

After review and consideration of the entire record, the Board <u>HEREBY FINDS</u> the findings and conclusions of ALJ Martone to be reasonable and, accordingly, <u>HEREBY ACCEPTS</u> them. Specifically, the Board <u>FINDS</u> that Petitioners failed to bear their burden of proof as there is nothing in the record demonstrating that the bills from Respondent for electric consumption at the subject property were inaccurate or improper to Petitioner's detriment.

Accordingly, the Board <u>HEREBY</u> <u>ADOPTS</u> the Initial Decision in its entirety and <u>ORDERS</u> that the Petition be <u>DISMISSED</u>.

This order shall be effective June 4, 2016.

DATED: BOARD OF PUBLIC UTILITIES May 25, 2016 BY: RICHARD S. MROZ PRESIDENT JOŚEPHYL. FIORĎALIŠČ CÓMMISSIONER COMMISSIONER UPENIDRA J. CHIVUKULA DIANNE SOLOMO COMMISSIONER COMMISSIONER ATTEST: ÍRENE KIM ASBUR SECRETARY

15 5 m (1997)

BPU DOCKET NO. EC150708200 OAL DOCKET NO. PUC 15081-15

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

EDWARD J. NESMITH

· V.

ATLANTIC CITY ELECTRIC COMPANY

BPU Docket No. EC15070820U OAL Docket No. PUC 15081-15

SERVICE LIST

Edward J. Nesmith 429 Hurfville-Grenloch Road Sewell, NJ 08080

James F. Berardinelli, Esq. 1600 Locust Street Philadelphia, PA 19103

Pamela J. Scott, Esq. Atlantic City Electric Company 500 N. Wakefield Drive <u>pjscott@pepcoholdings.com</u>

Eric Hartsfield, Director Julie Ford-Williams, Chief Division of Customer Assistance Board of Public Utilities 44 South Clinton Avenue, 3rd Floor, Suite 314 Post Office Box 350 Trenton, NJ 08625-0350 <u>Eric.Hartsfield@bpu.state.nj.us</u> Julie.Ford@bpu.state.nj.us

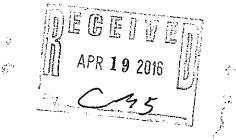
Patricia A. Krogman, Esq. Division of Law 124 Halsey Street Post Office Box 45029 Newark, NJ 07101-45029 Patricia.Krogman@dol.lps.state.nj.us

Board of Public Utilities

APR 1 9 2016

MAIL RECIEVED





Cms

D. LEE-Thomas

J. Gertsman B. Agee

tartsfield t. Ford

> VAChuer Loombert Matos Jordan

V. HAYNES

State of New Jersey OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. PUC 15081-15 AGENCY DKT. NO. EC15070820U

EDWARD J. NESMITH,

Petitioner,

۷.

ATLANTIC CITY ELECTRIC COMPANY,

Respondent.

James F. Berardinelli, Esq., for petitioner

Pamela J. Scott, Assistant General Counsel, for respondent

Record Closed: March 23, 2016

Decided: April 19, 2016

BEFORE JOSEPH F. MARTONE, ALJ t/a:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Edward J. Nesmith, petitioner, filed a petition with the New Jersey Board of Public Utilities on July 17, 2015, disputing the amounts of the electric bills sent to him by respondent Atlantic City Electric Co. for his home located at 429 Hurfville-Grenloch Road, Sewell, New Jersey, 08080, for the months of January, February and March 2015. This case was transmitted to the Office of Administrative Law (OAL) on

New Jersey is an Equal Opportunity Employer

September 23, 2015. The case was assigned to me and was scheduled for hearing on March 14, 2016. Because of the unavailability of the petitioner, the case was rescheduled for March 23, 2016. On that date, a hearing was held and concluded and the record closed.

FACTUAL DISCUSSION

The only witness to testify for the petitioner was the petitioner, Edward J. Nesmith. Mr. Nesmith testified that he is contesting the bills for the first three months of 2015 because there was a dramatic increase in these electric bills in comparison to other earlier bills for the same period. He also testified that after the respondent replaced the electric meter for his home, the electric bills are now reduced and are consistent with bills for the same periods in earlier years. He contends that circumstantially, this raises a question as to the validity of the bills for these three months.

Mr. Nesmith testified that he has owned this home as a secondary residence for approximately five years. He uses it mostly in the summer months, and it is rarely used in the winter from January through March. In 2013 to 2014, his wife was in the home, although they were divorced at an earlier date. The bills for January through March 2015 were outrageous in comparison to those same months in earlier years. He relied upon a usage statement obtained from respondent showing the usage and billing for the three months of January, February and March for the years 2012, 2013, 2014 and 2015 (P-1 in evidence). As a result of an electricity outage, he discussed this issue with a representative of the respondent who was at the site and the representative recommended to him that he have the meter tested. He did request that respondent conduct a meter test, and the old meter was removed for testing and a new meter was installed. As a result of this testing, he received a letter from respondent dated May 22, 2015 (P-2). This letter indicates that a series of tests were performed on the meter that had been removed. This confirmed that the meter is 97.1 percent accurate, which is below the parameters for an accurate meter (P-2).

On cross examination, Mr. Nesmith testified that the house size is 5,200 square feet. The heat in the house is both electric and gas heat. There is a pool and also a whirlpool. There are eight different heating zones in the house and a heat pump is used for the house. All this was in place in the prior years. Mr. Nesmith stated that John Braxton, a staff worker employed by Mr. Nesmith, has stayed on the premises while he is away on business. Mr. Braxton stayed there starting in mid-2015 and all of 2016. The house thermostat is set at 68 degrees except that it is set at 65 degrees for rooms that are not being used. He acknowledged having contacted respondent in the past about high electric bills.

Agnes Carpenter was the first witness to testify for respondent. She is employed by respondent as a lead analyst in the customer services department. She was assigned to investigate this case.

Ms. Carpenter testified that according to records of the respondent, actual meter readings for the petitioner's home were obtained on December 16, 2014, and again on March 24, 2015 (R-1). The bills for the months January and February 2015 were based on estimated readings for January 21, 2015, and February 20, 2015. These were corrected to a total of \$7,295.03 after the March 24, 2015, actual reading was obtained (R-1).

Ms. Carpenter stated that as a result of Mr. Nesmith requesting the testing of the meter at his premises, the meter was replaced and was subjected to testing on May 4, 2015 (P-2). Atlantic City Electric performs meter tests and all testing is done at the Atlantic City Electric premises.

Ms. Carpenter identified a package of the actual bills for the premises dating from January 2013 through February 2016 (R-3). Ms. Carpenter testified that she is aware that the home is heated by electricity and has an electric heat pump. She also testified that January through March 2015 was part of one of the coldest winters on record. Mr. Nesmith had only made one previous contact to respondent in 2014 about a high electric bill.

The second and final witness to testify for respondent was Robert Polk. Mr. Polk testified that he has been employed by Atlantic City Electric since 1989. He currently holds the position as engineer for the meter data analysis group and is part of a team of engineers. He has a bachelor of science degree in applied science and technology.

Mr. Polk testified that on May 4, 2015, a series of tests were performed on the meter that was removed from the home of Mr. Nesmith (P-2). He indicated that the meter is a solid state device and it is a 400-amp meter which is larger than typical because Mr. Nesmith's home is larger than the average home. He testified to the testing process and procedure. The testing process involves an order produced for a technician in the field to go to the premises and do a meter exchange so the customer always has a meter. The meter that is going to be tested is removed and brought back to the testing facility in Mays Landing where the meter is installed on a test board. It is tested under laboratory conditions based on the manufacturer's specification and an accuracy reading is taken on the meter. Those readings are recorded on a database and the meter is then placed on a rack and kept for ninety days in the event further evaluation is required. The meter is tested on a test board which applies a high accuracy voltage and current to the meter. It is tested on light load which is ten percent of the manufacturer's definition of full load and then under a full load condition. There is also a power factor test applied and those results are provided and logged into the database. The testing standards are national standards adopted by the Board of Public Utilities.

Upon my questioning of Mr. Polk, he explained that Atlantic City Electric does its own testing of the test board against a standard which is a national standard. Atlantic City Electric pays for a service to confirm that the standard has not deviated one way or the other, and so they would go through that process monthly. They also do a calibration or verification of the test board annually against the master standard kept in Washington, DC.

Mr. Polk identified a printed screen from the testing database that is used for tracking and recording information about meters and associated devices (R-4). This particular screen identifies the meter in question and contains information about test

OAL DKT. NO. PUC 15081-15

results that have been performed on this particular meter. There are two lines of information, the first being from 2007 which is the factory test result for when the meter was purchased and received. The second entry is the test that was performed after the meter was brought back to the shop in May 2015. In this case, the average as found accuracy test of 97.162 percent is slightly below what would be preferred, which is plus or minus two percent. The regulation in question provides that no meter that has an error of more than plus or minus two percent shall be placed in service or allowed to remain in service without adjustment. In this case, the meter was running slow which means it is measuring or reporting kilowatt hours slightly less than those actually being delivered to the customer.

Mr. Polk explained that this is a solid state meter and most solid state meters do not drift too much unless there is some tampering or some physical damage to the meter. Mr. Polk acknowledged that a surge such as that from a lightning strike can affect a meter but will often put a meter completely out of service. There is no evidence of any kind that this meter has experienced anything such as a damaging surge. He also testified that he has never seen a situation where a meter would run slow and then fast or fast and then slow. He usually sees test results that involve an inaccuracy that is relatively static.

Petitioner's arguments

At closing, the attorney for the petitioner argued the following:

- The average daily temperatures for the months of January, February and March in 2014
- 2. and 2015 are essentially the same.
- 3. Storms that knocked power out in the area of the subject premises can damage a meter.
- 4. The testing of the meter showed that it was not working within acceptable parameters and therefore the meter was defective.
- 5. The testimony of the petitioner, as the homeowner, was that there was no change in usage at the property between 2014 and 2015.

6. All of the foregoing are circumstantial evidence that the significant increases in the bills for January – March 2015, are completely at odds and justify a reduction in the bills to \$2,768.71, an amount which averages the same period of January, February and March to that charged for 2012, 2013 and 2014.

Respondent's arguments

The attorney for the respondent argued the following:

- 1. The burden of proof is on the petitioner by a preponderance of the competent and credible evidence to prove the facts necessary to prevail.
- In the absence of specific and competent evidence to show that the testing of the meters was inadequate, great weight is given to meter tests that measure meter accuracy.
- 3. The testing of the meter in question showed it to be running slightly slow and slightly undermeasured the electricity being used by the petitioner.

<u>Analysis</u>

In this case, the meter at the petitioner's home was tested and found to be accurate to 97.1%. This meant that the meter recorded the amount of electricity used by petitioner as being 2.9% less than was actually used. Petitioner argues that based on this test result, the meter should be determined to be defective for <u>any</u> measurement of electrical usage. Therefore, the petitioner contends that he is entitled to a determination that the January, February and March 2015 bills are invalid, and the correct amount of such bills should be estimated based on the prior year's bills for these three months

However, respondent's expert, Mr. Polk, provided expert testimony that the meter is a solid state meter, and these do not drift too much unless there is some tampering or some physical damage to the meter. He went on to testify that he has never seen a situation where a meter would run slow and then fast or fast and then slow, but usually involves an inaccuracy that is relatively static. Mr. Polk did acknowledged that a surge

such as that from a lightning strike can affect a meter, but this will often put a meter out of service completely. In this case there was no evidence of any kind that the meter had experienced anything such as a damaging surge.

Petitioner did not present any expert testimony to counteract the opinion of respondent's expert.

Findings of fact

I make the following FINDINGS OF FACT:

- The electric meter measuring the amount of electricity consumed by petitioner's home located at 429 Hurfville-Grenloch Road, Sewell, New Jersey, 08080, was removed and tested by the meter data analysis group of Atlantic City Electric Co.
- 2. The testing was done using the methods and standards adopted by the Board of Public Utilities.
- 3. The average as found accuracy test of 97.162 percent for the meter was slightly below what would be preferred, which is plus or minus two percent. Therefore, the meter was running slow which means it was measuring or reporting kilowatt hours slightly less than what is actually being delivered to the customer.
- 4. This test result does not support a finding that the meter in question was reporting more kilowatt hours than what was actually being delivered to the customer.
- Petitioner did not present any expert testimony or other evidence to support the position that the meter measurements reported for January – March 2015 should be completely disregarded as inaccurate.
- 6. There is insufficient evidence in the record to support a reduction in the electric bill for the three months in question from \$7,295.03 to \$2,768.71

LEGAL DISCUSSION

Electric meters designed to measure the electric usage at a customer's home are a useful method of equitably allocating the cost of supplying electricity to all customers of a public utility. In order for such a system to be fair to all customers of the utility, it is essential that the meters be accurate in measuring such usage. It is for this reason that the Legislature enacted the provisions of <u>N.J.S.A.</u> 48:2-25 delegating to the Board of Public Utilities authority to: "c. Establish reasonable rules, regulations, specifications and standards, to secure the accuracy of all meters and appliances for measurement."

Pursuant to and in furtherance of this authority, the Board has adopted regulations found at <u>N.J.A.C.</u> 14:5-4.1 to -4.5 providing for methods of testing of electric meters in order to secure their accuracy. In this case, following the testing methods established by the regulations, the meter at the petitioner's home was tested and found to be accurate to 97.1%, meaning that it reported that the amount of electricity used by petitioner was 2.9% less than was actually used.

I agree with attorney for respondent that in the absence of specific and legally competent evidence to show that the testing of the meters was inadequate, great weight is given to meter tests that méasure meter accuracy.

CONCLUSION

Based on the foregoing, I **CONCLUDE** that the petitioner has failed to meet his burden of proof to show by a preponderance of the competent and credible evidence that the electric bills for January through March 2015 for premises located at 429 Hurfville-Grenloch Road, Sewell, New Jersey, 08080, are inaccurate and incorrect so as to justify a reduction in the electric bill for the three months in question from \$7,295.03 to \$2,768.71

DECISION AND ORDER

For the reasons stated above, the petition of petitioner seeking a reduction in the electric bill for 429 Hurfville-Grenloch Road, Sewell, New Jersey, 08080, for January through March 2015, is **DENIED** and **DISMISSED**.

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 <u>N.J.S.A.</u> 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.

<u>April 19, 2016</u>

Marto

UØSEPH F. MARTONE, ALJ t/a

Date Received at Agency:

Date Mailed to Parties:

JFM/cmo

OAL DKT. NO. PUC 15081-15

APPENDIX LIST OF WITNESSES

For Petitioner:

Edward J. Nesmith

For Respondent:

Agnes Carpenter Robert Polk

LIST OF EXHIBITS

For Petitioner:

- P-1 Usage Statement for 2012 through 2015
- P-2 Atlantic City Electric Company letter dated May 22, 2015
- P-3 Payment history for subject premises

For Respondent:

- R-1 Adjustment Statement for December 2014 through March 2015 for subject premises
- R-2 Usage Statement for subject premises from 2012 through 2016
- R-3 Package of electric bills for subject premises from January 2012 through February 2016
- R-4 Printed screen containing meter testing information for tested meter
- R-5 Excerpts from New Jersey Administrative Code Title 14