



Agenda Date: 10/31/16
Agenda Item: VIIB

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
www.nj.gov/bpu/

CUSTOMER ASSISTANCE

LOUIS SERBIO,
Petitioner,

v.

JERSEY CENTRAL POWER & LIGHT COMPANY,
Respondent.

ORDER OF EXTENSION

BPU DOCKET NO. EC15070806U
OAL DOCKET NO. PUC 02087-16

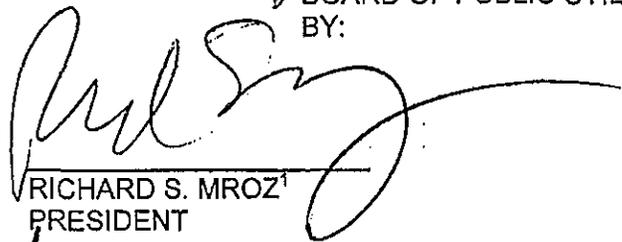
(SERVICE LIST ATTACHED)

The Initial Decision of the Administrative Law Judge was received by the Board of Public Utilities (Board) on September 26, 2016; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on November 10, 2016. 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 December 27, 2016.

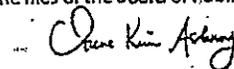
DATED: 10/31/16

BOARD OF PUBLIC UTILITIES
BY:


RICHARD S. MROZ¹
PRESIDENT

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



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

Date Board mailed Order to OAL: 11/1/16

cc: Service List Attached

DATED: 11/3/16


LAURA SANDERS, ACTING
DIRECTOR & CHIEF
ADMINISTRATIVE LAW JUDGE

Date OAL mailed executed Order to Board: 11/3/16

Date Board mailed executed Order to Parties: 11/3/16

LOUIS SERBIO

V.

JERSEY CENTRAL POWER AND LIGHT COMPANY
BPU DOCKET NO. EC15070806U
OAL DOCKET NO. PUC 02087-16

SERVICE LIST

Louis Serbio
300 Trenton Road
Apartment 7
Brown Mills, NJ 08015

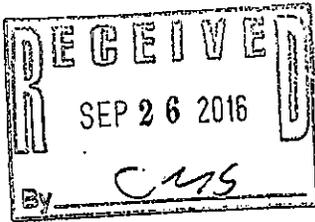
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SEP 26 2016

BOARD OF PUBLIC UTILITIES
MAIL ROOM

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. PUC 02087-16

AGENCY DKT. NO. EC15070806U

LOUIS SERBIO,

Petitioner,

v.

JERSEY CENTRAL POWER AND LIGHT,

Respondent.

Louis Serbio, petitioner, pro se

Jeremy G. Weiss, Esq., for respondent Jersey Central Power and Light Company (Windels, Marx, Lane & Mittendorf, LLP attorneys)

Christopher Psihoules, Deputy Attorney General, for respondent Board of Public Utilities (Christopher S. Porrino, Attorney General of New Jersey, attorney)

Record Closed: September 23, 2016

Decided: September 26, 2016

BEFORE SARAH G. CROWLEY, ALJ:

CMS
V. HAYNES
D. LEE-THOMAS
E. HARTSFIELD
J. FORD
C. JORDAN
R. LAMBERT
J. GERTSMAN
B. AGEER
C. VACHIER

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioner, Louis Serbio, filed a complaint before the Board of Public Utilities (BPU) disputing the billing charges of Jersey Central Power and Light (JCP&L) for electrical service provided to his apartment at 304 Trenton Road, Apartment 7, Browns Mills, New Jersey.

On February 5, 2016, this matter was transmitted to the Office of Administrative Law (OAL) for a hearing as a contested case. N.J.S.A. 52:14B-1 to -15, N.J.S.A. 52:14F -1 to -13. The hearing was held on September 19, 2016, and the record closed after written submission was filed by the respondent on September 23, 2016.

FACTUAL DISCUSSION

The following is undisputed and is found as **FACT**:

The petitioner rents an apartment at 300 Trenton Road, Apartment 7, Browns Mills, New Jersey and is a JCP&L customer. He has filed an appeal disputing his electric bill for the months of December 2014, January 2015, February 2015, and March 2015. The bills were \$101.66, \$194.17, \$221.76¹ and \$262.90. These amounts significantly exceeded averages for the proceeding months and for subsequent months. The respondent conducted a test on the meter in question on March 17, 2015, and installed a new meter. The meter was determined to be functioning properly. However, the petitioner believes that there was something wrong with their meter and filed a complaint with the BPU.

¹ The original bill in the amount of \$369.44, was modified to \$221.76, due to an improper meter reading

TESTIMONY

Theresa Kelly Kehr

Theresa Kehr is a Senior Analyst, in the Customer Relations Department for JCP&L. She has worked there in various capacities for thirty-five years. Ms. Kehr is responsible for investigating matters relating to challenges to bills and was assigned the matter involving Lewis Serbio. She testified that she discussed this matter with Mr. Serbio and analyzed the account by reviewing the monthly meter readings, the actual meter readings and had the meter tested. Ms. Kehr identified the usage statement for the months in question. She acknowledged that the bills were high, but indicated that it could have been a number of things and it was during the winter months. She testified that the client had indicated that he used a space heater due to frozen pipes and these escalating bills could be a result of the use of a space heater.

Ms. Kehr identified the billing statements which covered the period of November 2014 through March 2015. She testified that she was unsure about the \$25 "collection fee" as this should not have been charged on September 2015, if the complaint challenging the bill had been filed in July 2015. She was unclear about the process and what the reason for the charge was. She testified that they sent someone out to check the meter and installed a new meter on March 11, 2015. She advised that when they remove the meter to have it checked, they immediately install a new one, and send the old one to Pennsylvania for testing. The test completed on the meter in question indicated that it was working within a 99.75 percent of accuracy. She clarified the bill reversal for the month on February was a result of an inaccurate reading of the meter, not a problem with the meter. When it was caught the next month, an adjustment was made.

Anthony Menio

Anthony Menio is a meter reader for JCP&L. He is currently a supervisor and supervises approximately forty meter readers. Before he was a supervisor, he was a meter reader for fifteen years. He has been to many classes about reading meters and testing meters. He was qualified as an expert in meter reading by JCP&L. He testified that the petitioner's meter was removed on March 11, 2015, and was sent to their Pennsylvania facility to be tested. It was tested on March 17, 2015. He identified the inspection test result which indicated that the meter in question was ninety-nine percent accurate. He explained that the state permits a two percent margin of error. His company does not even permit that much. However, regardless of which standards that you apply, the device in question as functioning properly. The meter, #S59142238, was tested on both a light load and a full load. The average accuracy for both loads was 99.75 percent accurate. As a result, it was his opinion that the meter in question was functioning properly.

Louis Serbio

The petitioner testified that his bill has never been that high. He testified that he lives in a small apartment which is no more than 300 square feet. He testified that he has oil heat and only used the electricity for lights, refrigerator, microwave, toaster and hot water heater. He testified that around this time, his pipes had frozen and the landlord lent him a space heater to unfreeze the pipes. He testified that he only used it for one or maybe two nights. He testified that he unplugs everything when he leaves the apartment as he is aware of the use of phantom electricity if you do not unplug your appliances. He testified that his bills have never been this high and there must have been something wrong with the meter. His bills returned to the normal rate after the old meter was removed. He denied that he used the space heater for more than a day or two and said he controls his heat by a battery operated thermostat that he can turn up, on or off.

Based upon consideration of the testimonial and documentary evidence presented at the hearing, and having had the opportunity to observe the demeanor of the witnesses and assess their credibility, I **FIND as FACT** that meter removed from petitioner's home on March 11, 2015, was working properly. I also **FIND as FACT** that the meter was tested on both a full and light load and was determined to be ninety-nine percent accurate and as a result, is found to be accurate.

LEGAL DISCUSSION

In this administrative proceeding, the petitioner bears the burden of proof by a preponderance of the competent, credible evidence as to those matters that are before the OAL. Atkinson v. Parsekian, 37 N.J. 143 (1962). Evidence is found to preponderate if it establishes the reasonable probability of the facts alleged and generates reliable belief that the tendered hypothesis, in all likelihood, is true. See Loew v. Union Beach, 56 N.J. Super. 93, 104 (App. Div.), certif. denied, 31 N.J. 75 (1959).

N.J.A.C. 14:5-4.3(a) states:

No meter that has an error in registration of more than plus or minus two percent shall be placed in service or allowed to remain in service without adjustment.

N.J.A.C. 14:3-4.6(a) states:

Whenever a meter is found to be registering fast by more than two percent or in the case of water meters, more than one and one half percent, an adjustment of charges shall be made in accordance with this section. No adjustment shall be made if a meter is found to be registering less than 100 percent of the service provided.

In this case, the meter which was removed from the petitioner's apartment, was tested and registered at ninety-nine percent accuracy for both light and full load. The amount is within two percent margin permitted in accordance with the regulation.

Petitioner could not provide any legally competent evidence to support the claim that the meter was inaccurate. I therefore **CONCLUDE** that the meter that was removed from petitioner's home on March 11, 2015, was accurate, as were the bills in question.

ORDER

All relief sought by petitioners is **DENIED** and the appeal filed by petitioners is **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 N.J.S.A. 52:14B-10.

LIST OF WITNESSES

For Petitioner:

Louis Serbio

For Respondent:

Theresa Kehr
Anthony Menio

LIST OF EXHIBITS

For Petitioner:

P-1 Petitioner's statement of oil heat from landlord

For Respondent:

- R-1 Appeal Letter dated July 15, 2015
- R-2 Verified Answer from JCP&L
- R-3 Detailed Statement of Account
- R-4 Detailed Statement of Account
- R-5 Results from Meter Inspection original meter (S59142238)
- R-6 Results from Meter Inspection