



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

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

CUSTOMER ASSISTANCE

**NANCY BARONE,**  
Petitioner

v.

**ATLANTIC CITY ELECTRIC COMPANY**  
Respondent

) ORDER ADOPTING  
) INITIAL DECISION SETTLEMENT  
)  
)  
)  
)  
)

) BPU Docket No. EC16040280U  
) OAL Docket No. PUC 08685-16

Parties of Record:

**Nancy Barone,** Petitioner  
**Pamela J. Scott, Esq.,** for Respondent, Atlantic City Electric Company

BY THE BOARD:

On April 5, 2016, Nancy Barone ("Petitioner") filed a petition with the Board of Public Utilities ("Board") related to a billing dispute with Atlantic City Electric Company ("ACE" or "Respondent") for electric service rendered by Respondent to the Petitioner.

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 N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 52:14F-1 et seq. This matter was assigned to Administrative Law Judge ("ALJ") Barry E. Moscovitz.

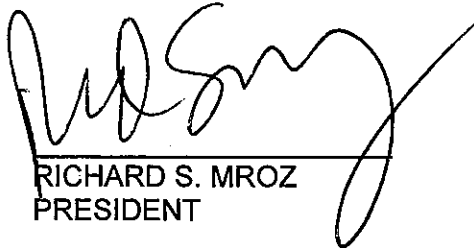
The parties subsequently voluntarily agreed to resolve the matter and entered into a signed Stipulation of Dismissal with Prejudice ("Stipulation") that was submitted to the ALJ. By Initial Decision issued on September 28, 2016, and submitted to the Board on September 30, 2016, to which the Stipulation was attached and made part thereof, ALJ Moscovitz 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, the Board **HEREBY FINDS** that the parties have voluntarily agreed to the settlement as evidenced by their signatures and that, by the terms of the Stipulation, they have fully resolved all outstanding contested issues in this matter. Accordingly, the Board **HEREBY ADOPTS** the Initial Decision and the Stipulation executed by the parties in their entirety as if fully set forth herein.

The effective date of this Order is November 10, 2016.

DATED: 10/31/16

BOARD OF PUBLIC UTILITIES  
BY:



RICHARD S. MROZ  
PRESIDENT



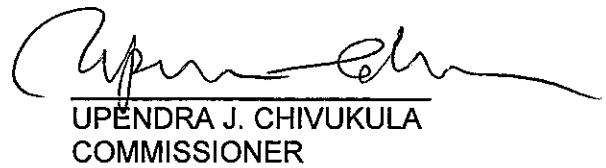
JOSEPH L. FIORDALISO  
COMMISSIONER



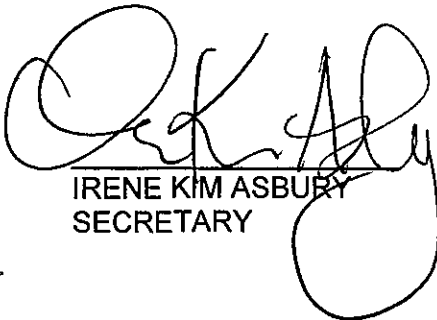
MARY-ANNA HOLDEN  
COMMISSIONER



DIANNE SOLOMON  
COMMISSIONER

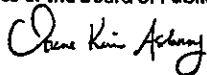


UPENDRA J. CHIVUKULA  
COMMISSIONER

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



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**NANCY BARONE**

v.

**ATLANTIC CITY ELECTRIC COMPANY**

**BPU Docket No. EC16040280U**

**OAL Docket No. PUC 08685-16**

**SERVICE LIST**

Nancy Barone  
2 Crescent Hollow Ct.  
Ramsey, New Jersey 07446

Pamela J. Scott  
Assistant General Counsel  
Atlantic City Electric Company  
500 Wakefield Drive  
Post Office Box 6066  
Newark, Delaware 19714-6066

Eric Hartsfield, Director  
Division of Customer Assistance  
Board of Public Utilities  
44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314  
Post Office Box 350  
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[Eric.Hartsfield@bpu.state.nj.us](mailto:Eric.Hartsfield@bpu.state.nj.us)

Julie Ford-Williams, Chief  
Division of Customer Assistance  
Board of Public Utilities  
44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314  
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**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

**DISMISSAL**

OAL DKT. PUC 08685-16

AGENCY DKT. NO. EC16040280U

**NANCY BARONE,**

Petitioner,

v.

**ATLANTIC CITY ELECTRIC COMPANY,**

Respondent.

**Nancy Barone**, petitioner, pro se

**Pamela J. Scott**, Esq., for respondent

Record Closed: September 19, 2016

Decided: September 28, 2016

BEFORE **BARRY E. MOSCOWITZ**, ALJ:

This matter was transmitted to the Office of Administrative Law (OAL) on June 10, 2016, for resolution 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 parties have agreed to a dismissal and have prepared a Stipulation of Dismissal, which is attached and fully incorporated herein.

*CMS*  
*V. Haynes*  
*D. Leethon*  
*E. Hartsfield*  
*C. Jordan*  
*J. Ford*  
*R. Lambert*  
*J. Gertsman*  
*B. Agee*  
*C. Vachier*

Having reviewed the contents of the attached Stipulation of Dismissal, I **FIND** as follows:

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

Given my findings of fact and conclusions of law, I **ORDER** that the parties comply with the terms of the settlement agreement.

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.

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.

September 28, 2016

DATE



BARRY E. MOSCOWITZ, ALJ

Date Received at Agency:

September 28, 2016

Date Mailed to Parties:

dr

NANCY BARONE,

Petitioner,

v.

ATLANTIC CITY ELECTRIC  
COMPANY,

Respondent.

STATE OF NEW JERSEY  
OFFICE OF ADMINISTRATIVE LAW

OAL Docket No. PUC08685-2016 N  
BPU Docket No. EC16040280U

**STIPULATION OF DISMISSAL WITH PREJUDICE**

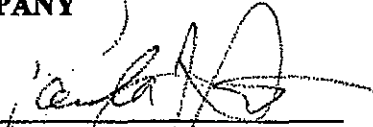
The parties to this action, by and through their undersigned counsel, hereby stipulate that the above-captioned actions may be dismissed, with prejudice, as a settlement has been reached of all claims by all parties hereto.

2016 SEP 19 P 3:34

ATLANTIC CITY ELECTRIC  
COMPANY

PETITIONER

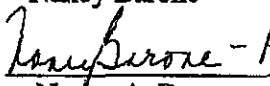

By:

  
Pamela J. Scott, Esquire  
Assistant General Counsel  
Atlantic City Electric Company  
500 Wakefield Drive  
P.O. Box 6066  
Newark, Delaware 19714-6066  
(302) 429-3143

By:

  
Nancy Barone

By:

 - Power of Attorney for  
Nancy A. Barone 

Dated:

9-15-16

Dated:

9/14/16

**Pamela J. Scott**  
Assistant General Counsel

Office 302.429.3143  
Fax 302.429.3801  
Atlanticcityelectric.com  
pjscott@pepcoholdings.com

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Newark, DE 19714-6066

All other deliveries:  
92DC42  
500 N. Wakefield Drive  
Newark, DE 19702

September 15, 2016

**VIA OVERNIGHT MAIL**

Ms. Nancy Barone  
2 Crescent Hollow Court  
Ramsey, New Jersey 07466

Re: Barone v. Atlantic City Electric Company  
OAL Docket No. PUC 08685-2016N

Dear Ms. Barone:

In connection with the above referenced matter and for your records, enclosed please find a copy of the Stipulation of Dismissal that has been filed with the Court, and a copy of the fully executed Stipulation of Settlement.

Thank you for your consideration. Should you have any questions, please contact me at (302) 429-3143.

Very truly yours,

A handwritten signature in black ink, appearing to read "Pamela J. Scott", written over the typed name.

Pamela J. Scott

Enclosures



NANCY BARONE,

Petitioner,

v.

ATLANTIC CITY ELECTRIC  
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STATE OF NEW JERSEY  
OFFICE OF ADMINISTRATIVE LAW

OAL Docket No. PUC008685-2016 N  
BPU Docket No. EC16040280U

**STIPULATION OF SETTLEMENT**

The undersigned Petitioner, Nancy Barone, on behalf of her mother, Nancy A. Barone (herein collectively, "Petitioner"), and Respondent, Atlantic City Electric Company (herein, "ACE") through its undersigned counsel, hereby stipulate that, as of this 15<sup>th</sup> day of September 2016, the following is an agreed settlement by and between the parties hereto in connection with the above-captioned matters. (Petitioner and Respondent may be referred to individually as a "Party" and will be collectively referred to herein as the "Parties.")

WHEREAS, ACE provides electric service to Petitioner at 5303 Long Beach Boulevard, Beach Haven, New Jersey (the "Property"), Atlantic City Electric Company Account No. [REDACTED] (the "Account"); and

WHEREAS, Petitioner has disputed the amount due on the Account; and

WHEREAS, Petitioner filed a written complaint with the New Jersey Board of Public Utilities (herein, the "Board") pertaining to the disputed bill, Docket No. EC16040280U; and

WHEREAS, BPU Complaint Docket EC16040280U was transferred by the Board to the Office of Administrative Law (Trenton vicinage) (the "OAL") and was assigned Docket No. PUC008685-2016 N (the "OAL Complaint"). The BPU Complaint and OAL Complaint are sometimes collectively referred to herein as the "Complaint"; and

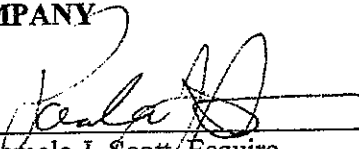
WHEREAS, the Parties have come to a complete and final agreement as to the resolution of the Complaint and any and all claims or causes of action arising therefrom.

NOW, THEREFORE, Petitioner and ACE, in consideration of their mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound hereby, agree as follows:

1. Petitioner has a balance due on the Account of \$668.16. In consideration for Petitioner's consent to enter into this Stipulation of Settlement, ACE agrees to reduce the balance due on the Account by twenty percent (20%), leaving an outstanding balance due of \$533.16 (the "Outstanding Amount").
2. Petitioner agrees to the payment of the Outstanding Amount and to enter into a payment arrangement with ACE whereby the Outstanding Amount is paid in equal monthly installments of \$22.21 over a period of twenty four (24) months, starting with the October bill for the Account (the "Payments"). The Payments being made under the payment arrangement shall be in addition to the regular monthly amounts due on the Account for electric service. Such payment arrangement shall be governed by the terms and conditions of ACE's Electric Tariff. In the event that Petitioner fails to comply with the terms of this Stipulation of Settlement by making the Payments pursuant to the schedule outlined herein, ACE has the right to declare this Stipulation of Settlement null and void and to pursue such remedies as are available to it under its Electric Tariff, including, but not limited to the right to disconnect electric service for the Property.
3. This Stipulation of Settlement is entered into as an accord and satisfaction of disputed claims and is not to be interpreted or construed as an admission by either Party regarding the liability, or lack thereof, of either Party concerning the Complaint.
4. Each of the Parties to this Stipulation of Settlement affirms and acknowledges that (a) a Party, or representative of the Party, with the authority to execute this document, has read and understands this Stipulation of Settlement; (b) the terms of this Stipulation of Settlement and the effects thereof have been fully explained to the Party or its representative; (c) the Party or Party's representative fully understands each term of this Stipulation of Settlement and its effect and has had an opportunity to confer with counsel; and (d) no Party has relied on any statement, representation or inducement (whether material, false, negligently made or otherwise) with respect to said Party's decision to execute this Stipulation of Settlement.
5. This Stipulation of Settlement contains the entire understanding and agreement of the Parties with respect to the subject matter contained herein; supersedes all prior oral or written understandings and agreements relating hereto; and shall not be altered, modified, amended or waived, in whole or in part, except in writing signed by duly authorized representatives of the Parties hereto.
6. This Stipulation of Settlement shall be binding upon and shall inure to the benefit of the Parties hereto and their respective successors and assigns, provided however, that Petitioner cannot assign or delegate its obligations hereunder without the written consent of ACE.
7. The Parties agree to file, in the form attached hereto as Exhibit "A", a Stipulation of Dismissal with Prejudice of all claims which were or could have been asserted by and between them in connection with the above-docketed matters.

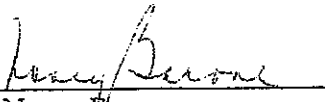
IN WITNESS WHEREOF, the Parties set their hands and seals the day and year  
aforementioned.


**ATLANTIC CITY ELECTRIC  
COMPANY**

By:   
Pamela J. Scott, Esquire  
Assistant General Counsel  
Atlantic City Electric Company  
500 Wakefield Drive  
P.O. Box 6066  
Newark, Delaware 19714-6066  
(302) 429-3143

Dated: 9-15-16

**PETITIONER**

By:   
Nancy Barone

By:  - Power of Attorney  
for Nancy A. Barone  
Nancy A. Barone

Dated: 9/14/16

Pamela J. Scott  
Assistant General Counsel

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Fax 302.429.3801  
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Newark, DE 19714-6066

All other deliveries:  
92DC42  
500 N. Wakefield Drive  
Newark, DE 19702

September 15, 2016

**VIA FACSIMILE 973-648-2358**

**AND FIRST CLASS MAIL**

The Honorable Barry E. Moscovitz  
State of New Jersey  
Office of Administrative Law  
33 Washington Street, 7<sup>th</sup> Floor  
Newark, New Jersey 07102

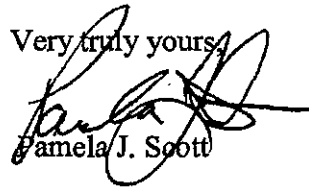
Re: Nancy Barone v. Atlantic City Electric Company  
OAL Docket No. PUC 08685-2016N

Dear Judge Moscovitz:

Pursuant to the settlement reached in this matter by the parties, enclosed please find a signed Stipulation of Dismissal evidencing that this matter is now resolved and the case can be closed.

Thank you for your consideration. Should you have any questions, please contact me at (302) 429-3143.

Very truly yours,



Pamela J. Scott

Enclosure

cc: Ms. Nancy Barone (w/enclosures, via overnight mail)  
Judy Rogozinski (w/enclosures, via email)

NANCY BARONE,

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ATLANTIC CITY ELECTRIC  
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Respondent.

STATE OF NEW JERSEY  
OFFICE OF ADMINISTRATIVE LAW

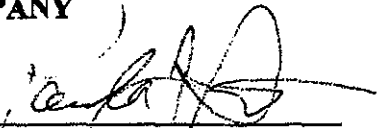
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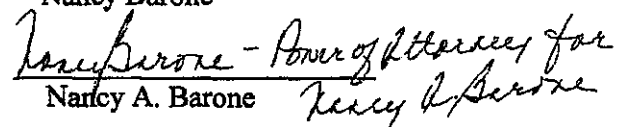
9-15-16

PETITIONER

By:

  
Nancy Barone

By:

 - Power of Attorney for  
Nancy A. Barone

Dated:

9/14/16