



ALJ Schuster also noted that in denying any responsibility for the replacement of the meter pan, Respondent relied on Section 5.08 of its Board-approved tariff which provides in pertinent part:

“...the customer shall provide at its sole cost and expense a place suitable to the company for the installation of metering and all other electric facilities needed for the provision of electric energy by the company or an alternative electric supplier. It shall be the customer’s responsibility to furnish, install and maintain self-contained meter sockets and current transformer cabinets in accordance with company specifications which are available upon request.” (Emphasis added).

By submission dated July 15, 2009, Petitioner filed exceptions to the Initial Decision wherein he essentially alleged that ALJ Schuster did not allow him the opportunity of arguing that tariffs of electric utilities other than Respondent were more reasonable and should be applied. Petitioner then conceded that Respondent had not, in fact, violated its tariff but reiterated his argument made before ALJ Schuster that, while the tariff requires that the customer maintain and repair the meter pan, it is silent as to the need to replace a meter pan that cannot be repaired. In response to this argument, ALJ Schuster, at page 3 of his Initial Decision, stated, “Petitioner also argues that respondent’s tariff requires him to furnish, install and maintain meter pans, but does not require him to replace them. I **FIND** this argument to be without merit.” The Board agrees. Replies to Exceptions were filed by Respondent under cover of letter dated July 27, 2009. The gist of Respondent’s arguments is that the findings and conclusions of the ALJ were reasonable and supported by the record, that the exceptions submitted by the Petitioner were without merit and did not satisfy the requirements of N.J.A.C. 1:1-18.4(b) and were also in violation of N.J.A.C. 1:1-18.4(a) as they were filed in an untimely manner and were never served on the Respondent or the presiding ALJ.

Based on his analysis of the record, ALJ Schuster found that:

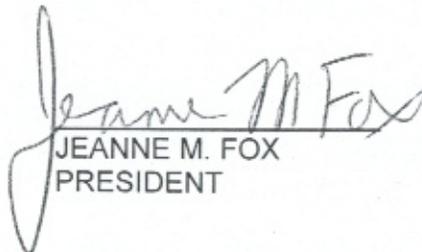
1. The condition of the meter pan located on Petitioner’s premises required that said meter pan be replaced;
2. The responsibility for the maintenance and replacement of meter pans is controlled by the provisions of the utility’s Board-approved tariff;
3. Section 5.08 of the Respondent’s tariff clearly provides that it is the customer’s responsibility “...to furnish, install and maintain self-contained meter sockets...”;
4. The plain meaning of the aforementioned tariff provision requires the Petitioner to replace the meter pan at his own cost and expense, when the condition of the meter pan has so deteriorated that it can no longer be maintained in a workable condition; and
5. Because the meter pan has, in fact, been replaced by the Petitioner at his cost and expense, the petition in this matter should be dismissed;

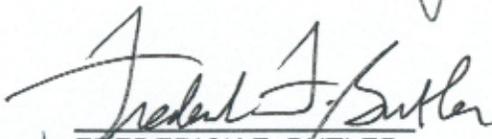
After review and consideration of the record, the Board HEREBY FINDS the findings and conclusions of ALJ Schuster to be reasonable and, accordingly, HEREBY ACCEPTS them. The Board FURTHER FINDS that the exceptions filed by the Petitioner are without merit and are HEREBY REJECTED.

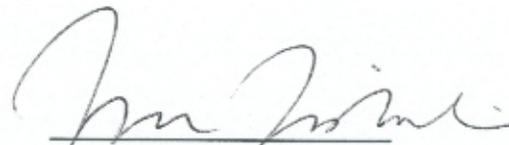
Therefore, the Board HEREBY ADOPTS the Initial Decision in its entirety and ORDERS that the petition of David Henry Raanan be HEREBY DISMISSED.

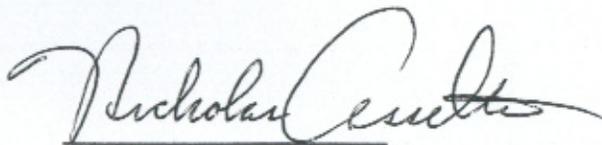
DATED: 7/31/09

BOARD OF PUBLIC UTILITIES  
BY:

  
JEANNE M. FOX  
PRESIDENT

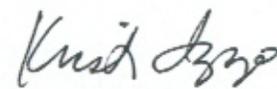
  
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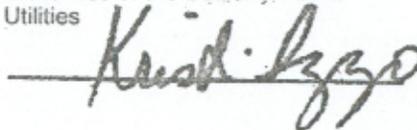
  
NICHOLAS ASSELTA  
COMMISSIONER

  
ELIZABETH RANDALL  
COMMISSIONER

ATTEST:

  
KRISTI IZZO  
SECRETARY

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



DAVID HENRY RAANAN

v.

JERSEY CENTRAL POWER & LIGHT COMPANY

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OAL DOCKET NO. PUC 2384-08

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