



Agenda Date: 2/10/11
Agenda Item: VIIC

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center, Suite 801
Newark, NJ 07102
www.nj.gov/bpu/

CUSTOMER ASSISTANCE

DENISE D. HODGSON,
Petitioner,

ORDER REJECTING
INITIAL DECISION

V.

JERSEY CENTRAL POWER & LIGHT COMPANY,
Respondent.

BPU Docket No. EC10070469U
OAL Docket No. PUC9831-10

Denise D. Hodgson, Blue Bell, Pennsylvania, appearing *pro se*
Michael J. Connolly, Esq., Morristown, New Jersey, on behalf of Respondent,
Jersey Central Power & Light Company

BY THE BOARD:

On July 13, 2010, Denise D. Hodgson ("Petitioner") filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to a billing dispute with Jersey Central Power & Light Company ("Respondent") for utility services rendered by Respondent. 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") Tiffany M. Williams.

While this matter was pending at the OAL, the parties engaged in negotiations and submitted to ALJ Williams a signed Stipulation & Certificate of Settlement and Withdrawal With Prejudice ("Stipulation & Certificate"). On January 10, 2011, ALJ Williams issued an Initial Decision, finding that the parties have settled the dispute and prepared the Stipulation & Certificate, which was attached and incorporated in the Initial Decision. ALJ Williams further stated that she had reviewed the record and the terms of the settlement and found that the settlement 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. ALJ Williams submitted the Initial Decision to the Board on January 13, 2010.

The Stipulation & Certificate provides as follows:

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, without admitting or denying by any party that there is, or has been any liability of either party to the other party or any violation of any rule, regulation or provision of law in connection with the matter under dispute, that this action, and all claims stated therein, be, and hereby are, settled and withdrawn with prejudice and without further costs to any party in accordance with the terms of a certain letter agreement dated December 10, 2010 between the parties regarding this matter.

The Stipulation & Certificate did not attach the letter agreement nor otherwise note any of the settlement terms in that letter agreement. Similarly, the Initial Decision did not attach nor discuss the terms of the letter agreement.

N.J.A.C. 1:1-19.1 provides, in pertinent part, that:

(a) Where the parties to a case wish to settle the matter, and the transmitting agency is not a party, the judge shall require the parties to disclose the full settlement terms:


- 1 In writing, by consent order or stipulation signed by all parties or their attorneys; or
2. Orally, by the parties or their representatives.

N.J.A.C. 1:1-19.1(a) requires full disclosure of the settlement terms. The Stipulation & Certificate attached to the Initial Decision does not specify any settlement terms but merely notes that the parties have settled the matter consistent with a separate, unattached letter agreement. Moreover, the Initial Decision does not discuss the terms of the letter agreement. Accordingly, the Board FINDS that there is no settlement document before the Board which contains specific terms and conditions, as contemplated by N.J.A.C. 1:1-19.1(a). The Board further FINDS that there is no evidence in the record under which the Board can accept ALJ Williams' conclusion that the provisions of N.J.A.C. 1:1-19.1 have been met. As a result, the Board HEREBY REJECTS the conclusion of ALJ Williams as set out in the Initial Decision and HEREBY REJECTS the Initial Decision.

Notwithstanding, the Board will consider this matter to be closed. As stated previously, the Stipulation & Certificate attached to the Initial Decision clearly indicates the intention of the Petitioner to withdraw her petition with prejudice. Thus, the Board HEREBY FINDS that the petition is HEREBY WITHDRAWN with prejudice.

DATED: 2/10/11

BOARD OF PUBLIC UTILITIES
BY:


LEE A. SOLOMON
PRESIDENT

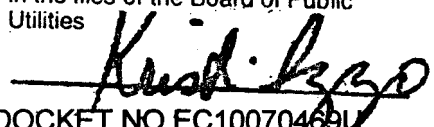

JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER


NICHOLAS ASSELTA
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



DENISE D. HODGSON

V.

JERSEY CENTRAL POWER & LIGHT COMPANY

BPU DOCKET NO. EC10070469U

OAL DOCKET NO. PUC9831-10

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State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

RECEIVED
MAIL
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BOARD OF PUBLIC UTILITIES
NEWARK, NJ

*CMS
Beslow
Campbell
DA
RPA
Lee-Thomas
Customer Asst.
Ford-Williams*

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 9831-10
AGENCY DKT. NO. EC10070469U

DENISE D. HODGSON,

Petitioner,

v.

JERSEY CENTRAL POWER

& LIGHT COMPANY,

Respondent.

Denise D. Hodgson, petitioner, pro se

Michael J. Connolly, Esq. for respondent (Morgan Lewis, attorneys)

Record Closed: December 23, 2010

Decided: January 10, 2011

BEFORE TIFFANY M. WILLIAMS, ALJ

This matter was transmitted to the Office of Administrative Law on September 10, 2010, for determination as a contested case, pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13.

The parties have agreed to a settlement and have prepared a Stipulation and Certificate of Settlement and Withdrawal With Prejudice indicating the terms thereof, which is attached and fully incorporated herein.

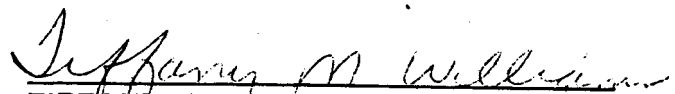
have reviewed the record and the terms of settlement and **FIND:**

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

I **CONCLUDE** that this agreement meets the requirements of N.J.A.C. 1:1-19.1 and that the settlement should be approved. I approve the settlement and therefore **ORDER** that the parties comply with the settlement terms and that these proceedings be concluded.

This order may be reviewed by the **BOARD OF PUBLIC UTILITIES** either upon interlocutory review pursuant to N.J.A.C. 1:1-14.10 or at the end of the contested case, pursuant to N.J.A.C. 1:1-18.6.

January 10, 2011
DATE


TIFFANY M. WILLIAMS, ALJ

/bdt

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

2010 DEC 23 A 10:49

Denise D. Hodgson, Petitioner,

v.

Jersey Central Power & Light Company,
Respondent

Billing Dispute

BPU Docket No. EC10070469U
OAL Docket No. PUC 09831-2010S

STIPULATION & CERTIFICATE
OF SETTLEMENT AND
WITHDRAWAL
WITH PREJUDICE

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, without admitting or denying by any party that there is, or has been any liability of either party to the other party or any violation of any rule, regulation or provision of law in connection with the matter under dispute, that this action, and all claims stated therein, be, and hereby are, settled and withdrawn with prejudice and without any further costs to any party in accordance with the terms of a certain letter agreement dated December 10, 2010 between the parties regarding this matter.

Denise D. Hodgson, Petitioner

By: Denise D. Hodgson
Mrs. Denise D. Hodgson
885 Lantern Lane
Blue Bell, Pennsylvania 19422

Jersey Central Power & Light Company,
Respondent

By: Michael J. Connolly
Michael J. Connolly, Esq.
Morgan, Lewis & Bockius LLP
Attorneys for Jersey Central Power
& Light Company

Dated: December ¹⁴14, 2010

Dated: December 21, 2010