



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

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

CUSTOMER ASSISTANCE

ROBERT M. BAKUNOFF,
Petitioner

v.

NEW JERSEY AMERICAN WATER COMPANY,
Respondent

**ORDER ADOPTING INITIAL
DECISION SETTLEMENT**

)
) BPU Docket No. WC09020170U
) OAL Docket No. PUC2617-10

Robert M. Bakunoff, Galloway, New Jersey, appearing *pro se*

Stacy A. Mitchell, Esq., Cozen O'Connor, Cherry Hill, New Jersey, on behalf of
Respondent, New Jersey American Water Company

BY THE BOARD:

On February 26, 2009, Robert M. Bakunoff ("Petitioner") filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to a billing dispute with New Jersey American Water 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") Bruce M. Gorman.

While this matter was pending at the OAL, the parties engaged in negotiations and entered into and signed a Stipulation of Settlement ("Stipulation"), dated December 17, 2010, which was submitted to the ALJ. By Initial Decision issued on January 6, 2011, and submitted to the Board on January 25, 2011, to which the Stipulation was attached and made part thereof, ALJ Gorman 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. Pursuant to the terms of the Stipulation, and in order to resolve this matter, Respondent has agreed to discharge \$842.71 of the disputed charges in the form of a credit to appear on Petitioner's next invoiced statement following the execution of the Stipulation. In return, Petitioner has agreed to pay the

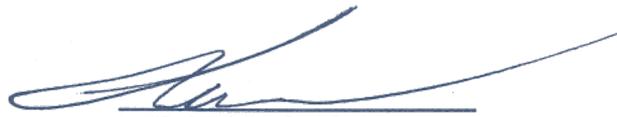
remaining contested balance of \$96.05 as well as any current charges as reflected on his next invoiced statement. Both parties agree to release the other from any claims arising out of the September 19, 2008 meter read.

After review of the record and the Stipulation of Settlement of the parties, 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 of Settlement, have fully resolved all outstanding contested issues in this matter.

Accordingly, the Board HEREBY ADOPTS the Initial Decision and the Stipulation of Settlement executed by the parties in their entirety as if fully set forth herein.

DATED: 2/10/11

BOARD OF PUBLIC UTILITIES
BY:



LEE A. SOLOMON
PRESIDENT



JEANNE M. FOX
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER



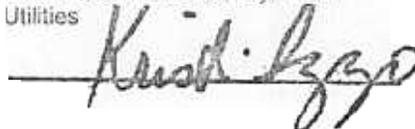
NICHOLAS ASSELTA
COMMISSIONER

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



ROBERT M. BAKUNOFF

V.

NEW JERSEY AMERICAN WATER COMPANY

BPU DOCKET NO. WC09020170U

OAL DOCKET NO. PUC2617-10

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State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

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INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 2617-10

AGENCY REF. NO. WC09020170U

ROBERT M. BAKUNOFF,

Petitioners,

v.

**NEW JERSEY AMERICAN
WATER COMPANY,**

Respondent.

Robert M. Bakunoff, petitioner, pro se

Stacy A. Mitchell, Esq., for respondent (Cozen O'Connor, attorneys)

Record Closed: December 29, 2010

Decided: January 6, 2011

BEFORE **BRUCE M. GORMAN, ALJ:**

This matter was transmitted to the Office of Administrative Law on April 30, 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.

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.

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.

January 6, 2011 _____

DATE



BRUCE M. GORMAN, ALJ

JAN 20 2011

Date Received at Agency:

Date Mailed to Parties:

JAN 6

/sd



A PENNSYLVANIA PROFESSIONAL CORPORATION

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THOMAS MCKAY, III
ATTORNEY RESPONSIBLE
FOR NJ PRACTICE

Stacy A. Mitchell
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Direct Fax 877.295.6880
smitchell@cozen.com

December 28, 2010

VIA FEDERAL EXPRESS

Hon. Bruce M. Gorman, ALJ
Office of Administrative Law
1601 Atlantic Avenue
Suite 601
Atlantic City, NJ 08401

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2010 DEC 29, P 12:30

**Re: Robert A. Bakunoff v. New Jersey-American Water Company, Inc.
OAL Docket No. PUC2617-10
BPU Docket No. WE09020170U**

Dear Judge Gorman:

Enclosed please find a fully executed Stipulation of Settlement in the referenced matter.
Thank you for your consideration.

Respectfully,

COZEN O'CONNOR

By: 
Stacy A. Mitchell

SAM/bab

cc: Jordan S. Mersky, Esq.
Cynthia L. M. Holland, DAG
Robert A. Bakunoff
Debra J. Matthews, Operations Support Manager

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES
OFFICE OF ADMINISTRATIVE LAW

ROBERT A. BAKUNOFF

Petitioner,

v.

**NEW JERSEY-AMERICAN WATER COMPANY,
INC.**

Respondent

OAL DKT. NO. PUC 2617-10
BPU DKT NO. WE09020170U

**STIPULATION OF
SETTLEMENT**

TO THE HONORABLE BRUCE M. GORMAN, ALJ:

WHEREAS Petitioner in the above captioned proceeding filed a petition with the Board of Public Utilities (the "Board") alleging an erroneous meter read on 09/19/08 for account No.

; and

WHEREAS Respondent in its Answer alleged that the meter was tested and was within the degree of accuracy required by Board regulations;

WHEREAS the Petitioner and Respondent (collectively the "Parties") have engaged in settlement negotiations and, as a result of such discussions, **HEREBY AGREE AND STIPULATE AS FOLLOWS:**

Respondent shall discharge \$342.71 of the disputed charges, in the form of a bill credit, to appear on the next invoiced statement following execution of this Stipulation.

2. Petitioner shall pay the remaining contested balance of \$96.05, as well as any current charges, as reflected on its next invoiced statement and within the time prescribed therein.

2010 DEC 29 P 12:30

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3. The Parties release and forever discharge any and all claims and rights that they may have against each other in connection with Account No. [REDACTED] and the disputed charges arising out of the 09/19/08 meter read. This releases all claims, including known or unknown claims, between the Parties up to and including the date of execution of the Stipulation.

WHEREFORE the Parties respectfully submit this Stipulation of Settlement and request that it be approved in its entirety.

ROBERT M. BAKUNOFF

Robert M. Bakunoff

New Jersey-American Water Company, Inc.

Stacy A. Mitchell
By: Stacy A. Mitchell
Attorney

Date: 12/17/10