



Agenda Date: 11/9/11
Agenda Item: 7A

STATE OF NEW JERSEY
Board of Public Utilities
44 S. Clinton Avenue – P.O. Box 350
Trenton, NJ 08625
www.nj.gov/bpu/

CUSTOMER ASSISTANCE

JANET PALMER-CARRI,
Petitioner

ORDER ADOPTING INITIAL
DECISION SETTLEMENT

V.

BPU Docket No. EC10100770U
OAL Docket No. PUC00555-11

PUBLIC SERVICE ELECTRIC AND GAS COMPANY,
Respondent

Janet Palmer-Carri, Petitioner, appearing *pro se*

Alexander C. Stern, Esq., on behalf of Respondent, Public Service Electric and Gas Company

BY THE BOARD:

On October 18, 2010, Janet Palmer-Carri ("Petitioner") filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to a billing dispute with Public Service Electric and Gas 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") Michael Antoniewicz.

On March 8, 2011, ALJ Antoniewicz conducted a telephone pre-hearing conference at which a hearing was scheduled for May 16, 2011, which was subsequently adjourned to June 20, 2011. At that hearing, Petitioner expressed orally and in writing that she intended to withdraw her petition. However, two days later, she rescinded her withdrawal letter and requested a new hearing which was held on August 4, 2011.

After the close of the record, ALJ Antoniewicz issued an Initial Decision on August 18, 2011, which was submitted to the Board on August 19, 2011. No exceptions to the Initial Decision have been received by the Board.

The Initial Decision is attached hereto and incorporated into this Order. The ALJ's findings of fact and conclusions of law are set forth in the Initial Decision and need not be repeated herein. As evidenced by his recommendation for dismissal of Petitioner's complaint, the ALJ found that Petitioner did not sustain her burden of proof showing that her bills were inaccurate and that Respondent had shown that its meter was registering at 99.920 percent accurate, a level which is within the Board's standards for accuracy. The record also includes Respondent's concession that a \$45.00 turn-off fee charged to Petitioner should be waived, because the service termination happened very close to the filing of the petition by Petitioner.

After review of the record, the Board HEREBY FINDS that the findings of fact and conclusions of law, as set forth in the Initial Decision of ALJ Antoniewicz, are supported by sufficient, competent, and credible evidence. Accordingly, the Board HEREBY ADOPTS the Initial Decision, a copy of which is attached hereto and made a part hereof, in its entirety without modification. Therefore, the petition in this matter is HEREBY DISMISSED.

DATED: 11/9/11

BOARD OF PUBLIC UTILITIES
BY:


LEE A. SOLOMON
PRESIDENT


JEANNE M. FOX
COMMISSIONER

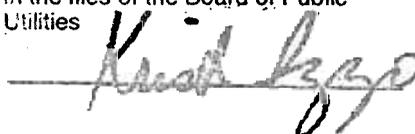

JOSEPH L. FIORDALISO
COMMISSIONER


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



JANET PALMER-CARRI

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU DOCKET NO. EC10100770U

OAL DOCKET NO. PUC00555-11

SERVICE LIST

Janet Palmer-Carri
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Maplewood, New Jersey 07040

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David Wand, DAG
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State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. PUC 00555-11

AGENCY DKT. NO. EC10100770U

JANET PALMER-CARRI,

Petitioner,

v.

PUBLIC SERVICE ELECTRIC

AND GAS COMPANY,

Respondent.

Janet Palmer-Carri, pro se

Alexander C. Stern, Esq., for respondent

Record Closed: August 4, 2011

Decided: August 18, 2011

BEFORE **MICHAEL ANTONIEWICZ, ALJ:**

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioner Janet Palmer-Carri (Palmer-Carri) filed a complaint before the Board of Public Utilities (BPU) disputing the billing charges of Public Service Electric and Gas Company (PSE&G) for electric and gas service provided to 126-D Boyden Avenue, Maplewood, New Jersey.

On May 7, 2011, this matter was transmitted to the Office of Administrative Law (OAL) for hearing 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. A telephone prehearing was conducted on March 8, 2011, at which time a hearing was scheduled for May 16, 2011, and was then adjourned to June 20, 2011. At the hearing on June 20, 2011, petitioner expressed, orally and in writing, of her intention to withdraw her case against PSE&G. On June 22, 2011, petitioner rescinded her withdrawal letter and requested a new hearing under the same docket number. This matter was scheduled for a hearing on August 4, 2011; a hearing was held on that date and the record closed.

FACTUAL DISCUSSION AND FINDINGS

Background

As the following facts are undisputed, **FIND** it to be the **FACTS** of this case:

Palmer-Carri is a gas and electric customer of PSE&G. She lives at 126-D Boyden Avenue, Maplewood, New Jersey in a two-floor condominium. The basis for Palmer-Carri's claims against PSE&G are set forth in her letter dated October 7, 2010, to the Board of Public Utilities. Many of the claims contained therein and at the hearing are matters which this court does not have jurisdiction (i.e., bad food, harassment, gas being pumped into her condominium). Among all of the issues, Palmer-Carri also raises an issue regarding high bills, of which this court does have jurisdiction. The meter was replaced on August 25, 2010, at the petitioner's request.

TESTIMONY

Edward B. Sullivan

Edward B. Sullivan (Sullivan) works for PSE&G as the manager of regulatory services whose duties include: 1) liaison with the Board of Public Utilities; 2) handle matters referred to the Office of Administrative Law; and 3) handle billing disputes. Sullivan worked in that position for PSE&G for thirty-five years. Sullivan reviewed

Palmer-Carri's letter to determine the nature of her complaint. He determined that a bulk of the complaints had to do with damages and thus not properly before this court. The remaining issue by Palmer-Carri was a general complaint regarding "high bills."

Sullivan reviewed R-1, the Notification Information, which stated that Palmer-Carri complained about a problem with her service and meter; subsequently, a representative from PSE&G went to her property to address same. Palmer-Carri complained that her meter was not working properly and asked that it be tested. An Electric Meter Test was done on the meter on September 7, 2010, after it was removed from Palmer-Carri's property on August 25, 2010.

A representative from the Board of Public Utilities was not present when the meter was changed because Palmer-Carri had not requested that such a representative be present, thus it was not required. The test results revealed that under a Full Test the meter was 99.960% accurate and under a Light Test it was 99.750% accurate and thus the average test revealed the meter was 99.920% accurate. A meter is not required to be 100% accurate and only requires that it be within 2 per cent of that to be properly working. Accordingly, a meter can range from 98% accurate to 102% accurate.

Sullivan stated that the bills were based on the meter readings were in accordance with the tariff. When a meter is accurate, it is the only true method of billing the customer.

For purposes of this hearing, Sullivan created a Statement of Account reflecting use at this address from March 2009 until July 2011. The Statement of Account showed a balance due of \$965.55 due to PSE&G from Palmer-Carri. The statement also showed payments made by Palmer-Carri. It was Sullivan's opinion from his experience that the bills were consistent throughout this period. He stated that there were normal increases and decreases in the amount of the bill due to changes in temperature in the seasons and other factors.

Sullivan stated that the service was terminated on November 8, 2010, due to the failure of the customer to make payment. In such cases, the customer gets a notice of

non-payment and if not paid, the service is turned off. The service was restored the very same day once PSE&G received notice that Palmer-Carri filed a complaint with the Board of Public Utilities. Sullivan stated that BPU was not at the site when the meter was changed because they are only required to be at the site when it is so requested by the customer. Palmer-Carri did not request that BPU be in attendance at the meter removal.

When asked in cross-examination to explain the fluctuation in the monthly bills, Sullivan stated that he could not and that was why PSE&G relied upon meters to accurately determine usage. Sullivan further stated that overall changes in usage can depend on temperature change, number of days in the billing cycle, cost of electric and cost of gas. PSE&G charges its customers based on approved rates for its residential customers and commercial customers.

Sullivan did concede that the \$45 turn-off fee charged to Palmer should have been waived since the termination of services happened at about the same time that Palmer filed a complaint with the BPU.

Furthermore, Sullivan conceded that PSE&G did not provide Palmer-Carri with the previous tenant's bills because the other tenant's bills were confidential. In addition, the amount of use by the previous occupant has little bearing on the reasonableness and accuracy of Palmer-Carri's bills. Sullivan also conceded that the meter readers are not always correct but he stated that they are very good and generally accurate when reading meters.

Janet Palmer-Carri

Palmer-Carri has lived at this current address since late 2008. Although not contained in her complaint letter dated October 7, 2010, Palmer's initial complaint had to do with a gas smell in her condo. When asked why this complaint was not contained in her letter, she stated that the smelling of gas did not occur until around October 2010 or shortly thereafter.

Palmer-Carri stated that she felt that PSE&G technicians were corrupt and vindictive and this may have something to do with the gas smell in her condo. When she would return home, she would smell the strong odor of gas, with her cat “choking and choking.” She would immediately open the windows to air out the condo and report same to the local fire department and police department—neither of which were able to confirm the presence of such gas. Based on such, she does not trust the local police or fire departments. Palmer-Carri is very concerned about this gas issue as she sometimes lives with her twelve-year-old son.

Palmer-Carri stated that the previous tenant stated that she paid \$30 per month in gas and electric. When Palmer-Carri moved into the condo, these bills went significantly higher. Palmer-Carri did admit that she did not receive any documentation from the tenant to verify the utilities bill amount, and she admitted that the tenant could have not been telling her the truth. Palmer-Carri also testified that she tried to be conservative in her use of electricity in her home.

She also stated that she had disputes with Comcast, Verizon, and the phone company, and she suspects that her condominium management company may be involved with these companies and PSE&G in an effort to raise her bills.

Palmer-Carri admits that she is not an expert on electronic meters, but she presented pictures of the meter box which was unlocked. She also presented a picture of a dead outdoor bird on her doorstep, which she claims is somehow connected to her billing dispute; however, she could not say how.

Having heard the testimony and witnesses I **FIND** the following additional **FACTS**:

PSE&G responded to Palmer-Carri’s meter complaint. Palmer-Carri requested a meter test at her home. The results of the meter test show the average accuracy of the meter to be an average of 99.920%. The meter test results were contained in the Electric Meter Test (R-2) results.

LEGAL ANALYSIS AND CONCLUSION

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, except under (d) below.

In this case, the meter was registering at 99.920; that is, not more than two percent. The meter was accurate in accordance with the regulation. Palmer-Carri provided no legally competent evidence to support her claim that the meter was inaccurate or that the amount of the utility bills was from anything other than usage. I **CONCLUDE** that the meter that was removed from Palmer-Carri's home on August 25, 2010, was accurate and the petitioner did not present any credible evidence to prove that her utility bills were the result of anything other than usage.

ORDER

It is, therefore, **ORDERED** that the petition in this matter be and is hereby **DISMISSED**.

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, 2 Gateway Center, Suite 801, Newark, NJ 07102**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

August 18, 2011
DATE


MICHAEL ANTONIEWICZ, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

jb

WITNESSES

For Petitioner:

Janet Palmer-Carri

For Respondent:

Edward Sullivan

EXHIBITS

For Petitioner:

None

For Respondent:

- R-1 Notification Information for 126-D Boyden Avenue, Maplewood, New Jersey
 - Electric Meter Test Results
 - Summary Account for petitioner
 - Notice to PSE&G from Board of Public Utilities regarding Palmer-Carri appeal
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