



Agenda Date: 12/14/11
Agenda Item: VIJK

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue
Post Office Box 350
Trenton, NJ 08625-0350
www.nj.gov/bpu/

CUSTOMER ASSISTANCE

IRISH PUB & INN (ROGER FEELEY),)	ORDER ADOPTING INITIAL
Petitioner)	DECISION AND
V.)	SETTLEMENT
ATLANTIC CITY ELECTRIC COMPANY,)	
Respondent)	BPU DKT. NO. EC10090641U
)	OAL DKT. NO. PUC606-11

Alfred R. Scerni, Esq., on behalf of Petitioner, Irish Pub & Inn (Roger Feeley)

Renee Suglia, Esq., on behalf of Respondent, Atlantic City Electric Company

BY THE BOARD:

On September 2, 2010, the Irish Pub & Inn (Roger Feeley)¹ ("Petitioner") filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to a billing dispute with Atlantic City Electric 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") W. Todd Miller.

While this matter was pending at the OAL, the parties engaged in negotiations and entered into and signed a Settlement that was submitted to the ALJ. By Initial Decision issued on

¹ The caption was originally entered in the Board's case management system as Roger Feeley v. Atlantic City Electric Company because the subject line of the petition listed the account as that of Roger Feeley. However, the petition's signature line lists the name "Catherine D. Burke" and is signed by "Frank Pileggi – Manager." Subsequent correspondence listed the petitioner as "Irish Pub & Inn" at the same address. Further, Petitioner's counsel's October 28, 2011 confirmation of settlement letter describes his client as "Irish Pub & Inn."

November 1, 2011, and submitted to the Board on November 14, 2011, to which the Settlement was attached and made part thereof, ALJ Miller 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. Pursuant to the terms of the Settlement, the parties have agreed that: (1) after exchanging the existing meter for Periodic Testing, Respondent found that the demand readings were incorrect; (2) adjustment to the demand usage resulted in a debit to Petitioner's account in the amount of \$4,326.11; (3) as a good faith gesture, Respondent will reduce the adjustment amount by \$2,326.11, leaving an adjusted balance of \$2,000.00; and (4) Petitioner shall pay the adjusted balance in one lump-sum check made payable to Respondent.

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

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

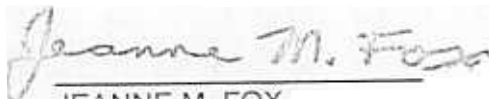
DATED: 12/15/11

BOARD OF PUBLIC UTILITIES

BY:



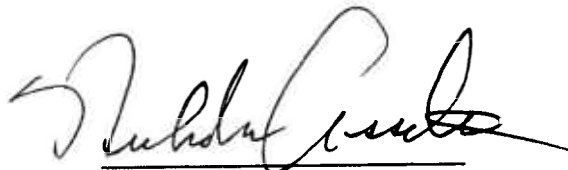
LEE A. SOLOMON
PRESIDENT



JEANNE M. FOX
COMMISSIONER



JOSEPH L. FIORDALISO
COMMISSIONER



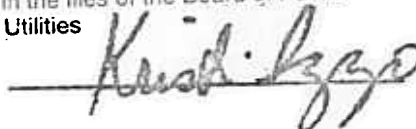
NICHOLAS ASSELTA
COMMISSIONER

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



IRISH PUB & INN (ROGER FEELEY)

V.

ATLANTIC CITY ELECTRIC COMPANY

BPU DOCKET NO. EC10090641U

OAL DOCKET NO. PUC606-11

SERVICE LIST

Alfred R. Scerni, Esq.
Parker McCay
15 South Pennsylvania Avenue
Atlantic City, New Jersey 08401

Renee Suglia, Esq.
Atlantic City Electric Company
800 N. King Street
Wilmington, Delaware 19801

Eric Hartsfield, Director
Julie Ford Williams
Division of Customer Assistance
Board of Public Utilities
44 South Clinton Avenue – P.O. Box 350
Trenton, New Jersey 08625-0350

David Wand, DAG
Division of Law
124 Halsey Street – P.O. Box 45029
Newark, New Jersey 07101

Cms
Beslow
DAG
Shatto
RPA
Ford-Williams
Hayries

BPU MAILROOM
NOV 14 2011
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State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

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MANAGEMENT

2011 NOV 14 PM 12:25

BOARD OF PUBLIC UTILITIES
NEWARK, N.J.

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 606-11

AGENCY REF. NO. EC10090641U

IRISH PUB & INN

(ROGER FEELEY),

Petitioner,

v.

ATLANTIC CITY ELECTRIC COMPANY,

Respondent.

Alfred R. Scerni, Jr., Esq., for petitioner (Parker McCay, attorneys)

Renee Suglia, Esq., for respondent

Record Closed: October 28, 2011

Decided: November 1, 2011

BEFORE W. TODD MILLER, ALJ:

This matter was transmitted to the Office of Administrative Law on January 13, 2011, 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 Settlement Agreement (letter dated October 28, 2011) indicating the terms thereof, which is attached and fully incorporated herein.

have reviewed the record and the terms of settlement and I **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.

11-1-11
DATE

Date Received at Agency:

Date Mailed to Parties:

/sd

W. Todd Miller
W. TODD MILLER, ALJ

NOV - 4 2011

4 2011



*This is the
Settlement*

ATTORNEYS AT LAW

Parker McCay P.A.
15 South Pennsylvania Avenue
Atlantic City, NJ 08401-7323

P: 609-347-8000
F: 609-347-8050
www.parkermccay.com

Alfred R. Scarni, Jr., Esquire
609-347-8002
fscarni@parkermccay.com

October 28, 2011

File No. 13624-0002

The Honorable William T. Miller Administrative Law Judge
Office of Administrative Law
1601 Atlantic Avenue
Sixth Floor
Atlantic City, NJ 08401

Re: Irish Pub & Inn (Feeley, Roger) v. Atlantic City Electric Company
OAL Docket No. PUC 00606-2011 S
Agency Ref. No. EC10090641U

Dear Judge Miller:

Per our telephone conversation on this date, enclosed please find a copy of a letter from Atlantic City Electric summarizing the settlement reached by the Parties in regard to the above captioned matter. I have acknowledged and agreed to the settlement on behalf of Petitioner, Irish Pub & Inn, with my signature.

In light of the settlement reached, Your Honor indicated that no appearance would be necessary this afternoon.

By copy of this letter, I am forwarding a signed copy of the settlement letter to counsel for Atlantic City Electric, Renee Suglia, Esquire.

Thank you for your courtesies.

Respectfully submitted,

ALFRED R. SCARNI, JR.

ARS/tlc

Enc.

c: w/enc:
Irish Pub & Inn
Renee Suglia, Esquire

2011 OCT 28 P 2:48

5 Collins Drive #84CP22
Carneys Point, NJ 08069



October 28, 2011

VIA FAX (609) 347-8050

Alfred R. Scerni, Esq.
Parker McCay
15 S. Pennsylvania Ave.
Atlantic City, NJ 08401

Re: Account No. 0332698-9999-4
Irish Pub & Inn, 164 S. James Pl, Atlantic City, NJ

Dear Mr. Scerni:

This letter is to serve as a summary of our settlement.

On March 31, 2010 Atlantic City Electric ("ACE") was at the property to exchange the existing meter at the property for Periodic Testing. At that time it was found that the kW demand usage at the property was being billed incorrectly. The demand usage at the property was reviewed from April until May 2010, at which time it was confirmed that the demand readings previously obtained were incorrect. The demand usage was adjusted based on the usage obtained from the new meter.

This adjustment was completed on May 3, 2010 and resulted in a debit to the account in the amount of \$4,326.11. A further review of this adjustment has been completed. As a good faith gesture and to resolve this matter amicably, ACE is willing to reduce this adjustment amount by \$2,326.11, leaving an adjusted balance of \$2,000.00. This balance will be paid in one lump sum check made payable to Atlantic City Electric Company. The check can be sent to our P.O. Box with your next monthly billing. Please note your account number (listed above) on the check.

This letter will confirm your agreement that all matters arising out of this dispute as set forth above will be, and are, settled. You agree that, to conclude this matter, you will submit a letter to the Office of Administrative Law withdrawing your petition.

28 OCT 28 P 2:43

Sent By: CONECTIV;

809 825 8585;

Oct-28-1 12:41PM;

Page 1/1

5 Collins Drive #84CP22
Carneys Point, NJ 08069

Kindly indicate your agreement by signing below and returning a fully executed copy to me.


Thank you for your cooperation in this matter.

Sincerely,

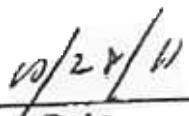


Agnes Carpenter, Senior Analyst
Regulatory/Executive Customer Relations
Atlantic City Electric

Acknowledged and agreed by:



Alfred R. Scarni, Esq.
Attorney for Petitioner, Irish Pub & Inn



Date



Parker McCay P.A.
13 South Pennsylvania Ave.
Atlantic City, NJ 08401

P: 609-347-8000
F: 609-347-8050
www.parkermccay.com

TELECOPY TRANSMITTAL COVER PAGE

Date: October 28, 2011

Please deliver the following document(s) to: Judge William T. Miller
Office of Administrator Law

Transmittal from: Alfred R. Scerni, Jr., Esq.

Fax Number: 609-441-3824 Phone Number:

Number of pages including cover page: 4

File No.: 13624-0001

Irish Pub & Inn (Feelev, Roger) v. Atlantic City Electric Company
OAL Docket No. PUC 00606-2011 S
Agency Ref. No. EC10090641U

Message:

Please see attached correspondence.

Thank you for your courtesies.

We are transmitting on a Canon 3170 telecopier. If you are experiencing problems receiving this transmission, please call us at (609) 347-8000, Ext. 8012.

CONFIDENTIALITY NOTE

The documents accompanying this telecopy transmission contain information from the law firm of Parker McCay P.A. which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and the documents should be returned to this firm immediately. In this regard, if you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you.