



Agenda Date: 11/22/13  
Agenda Item: VIIA

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

CUSTOMER ASSISTANCE

THOMAS F. SMITH,	)	ORDER ADOPTING INITIAL
Petitioner	)	DECISION SETTLEMENT
	)	
V.	)	
	)	
PUBLIC SERVICE ELECTRIC AND GAS COMPANY,	)	BPU DOCKET NO. EC13060446U
Respondent	)	OAL DOCKET NO. PUC 11167-13

**Parties of Record:**

**Thomas F. Smith**, appearing pro se  
**Alexander C. Stern, Esq.**, appearing on behalf of Respondent, Public Service Electric and Gas Company

**BY THE BOARD:**

On June 3, 2013, Thomas F. Smith ("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") James A. Geraghty.

While this matter was pending at the OAL, the parties engaged in negotiations and entered into and signed a Stipulation of Settlement ("Stipulation") that was submitted to ALJ Geraghty on September 27, 2013. By Initial Decision issued on October 4, 2013, and submitted to the Board on October 8, 2013, to which the Stipulation was attached and made part thereof, ALJ Geraghty 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 Stipulation, the parties have agreed as follows: (1) Respondent will credit Petitioner's account in the amount of \$2,500.61; (2) after application of this credit, Petitioner agrees that an outstanding of \$2,295.00 overdue balance remains on the account; (3) in conjunction with Petitioner's timely payment of his bills for electric and gas service, the parties

agreed to a Deferred Payment Agreement ("DPA") whereby Petitioner will make twelve monthly supplemental payments of \$191.25; and (4) Petitioner acknowledged that he is responsible for monthly costs associated with appliance service and "Worryfree" contract purchases.<sup>1</sup>

After review of the Initial Decision and the Stipulation of Settlement of the parties, the Board **HEREBY FINDS** that the parties have voluntarily agreed to the Stipulation, as evidenced by their signatures and that the terms of the Stipulation of Settlement fully resolve all outstanding contested issues in this matter.

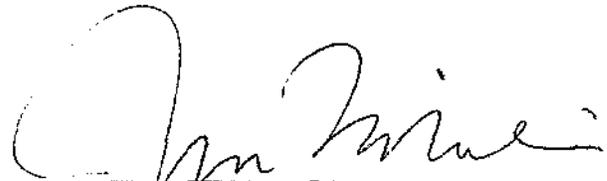
Accordingly, the Board **HEREBY ADOPTS** the Initial Decision and Stipulation of Settlement executed by the parties in their entirety as if set forth at length herein.

DATED: 11/22/13

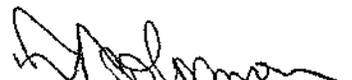
BOARD OF PUBLIC UTILITIES  
BY:

  
ROBERT M. HANNA  
PRESIDENT

  
JEANNE M. FOX  
COMMISSIONER

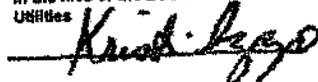
  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
MARY-ANNA HOLDEN  
COMMISSIONER

  
DIANNE SOLOMON  
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



<sup>1</sup> The Board notes that, although the parties have agreed on a payment plan regarding Petitioner's "Worryfree" contract, Respondent may not discontinue service based on Petitioner's failure to pay for optional services. N.J.A.C. 14:3-3A.2(b).

THOMAS F. SMITH

v.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU DOCKET NO. EC13060446U

OAL DOCKET NO. PUC11167-13

SERVICE LIST

Thomas F. Smith  
29 Bennett Avenue  
Rochelle Park, New Jersey 07622

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PSEG Services Corporation  
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010/9/13

E. Hortepelle



State of New Jersey  
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 11167-13

AGENCY REF. NO.: EC13060446U

THOMAS F. SMITH,  
Petitioner,

v.

PUBLIC SERVICE ELECTRIC AND  
GAS COMPANY,

Respondents

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Thomas F. Smith, pro se

Alexander C. Stern, Esq., for respondent Public Service Corporation

Record Closed: September 27, 2013

Decided: October 4, 2013

BEFORE JAMES A. GERAGHTY, ALJ:

This matter was transmitted to the Office of Administrative Law on August 2, 2013 for hearing pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F1 to -13.

The parties have agreed to settle this matter and have prepared the attached stipulation indicating the terms of settlement.

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

- 1 The parties have agreed to settle this matter and have prepared the attached agreement indicating the terms of settlement.
- 2 The settlement fully disposes of all issues in controversy and is consistent with the law.

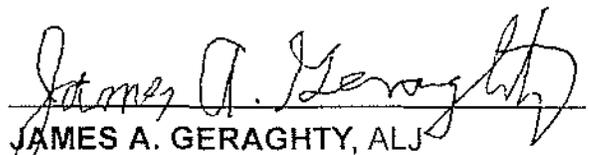
I **CONCLUDE** that the agreement meets the requirements of N.J.A.C. 1:1-19.1 and that the settlement shall be approved. Accordingly, it is **ORDERED** that the parties comply with the settlement terms and that it is further ordered that the proceedings in this matter hereby are **CONCLUDED**.

I 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.

October 4, 2013

\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
JAMES A. GERAGHTY, ALJ

Date Received at Agency: \_\_\_\_\_

Date Mailed to Parties: \_\_\_\_\_

db

STATE OF NEW JERSEY  
OFFICE OF ADMINISTRATIVE LAW

RECEIVED  
2013 SEP 27 A 11:13  
STATE OF NEW JERSEY  
OFFICE OF ADMIN. LAW

Thomas F. Smith Petitioner,	)	BPU DOCKET NO. 13000440
	)	OAL DOCKET NO. 130167-2013N
v.	)	
Public Service Electric and Gas Company Respondent.	)	STIPULATION OF SETTLEMENT

On or about July 16, 2013 Petitioner filed the above-referenced service dispute. Public Service Electric & Gas Company ("PSE&G" or "Respondent") filed an answer to the petition and the New Jersey Board of Public Utilities ("NJBP" or "Board") transmitted the matter to the Office of Administrative Law ("OAL") as a contested case for adjudication.

In the interests of resolving this matter without further delay, extensive effort and cost, the parties have engaged in settlement discussions and hereto agreed to settle this matter in accordance with the following terms:

1. Although not agreeing with the merits of the allegations expressed in the Petition, in the interests of settlement and good customer relations PSE&G agrees to credit Petitioner's account \$2,500.61.
2. After application of the \$2,500.61 bill credit referenced in paragraph 1, Petitioner acknowledges that there will still be an outstanding overdue balance on the account owed to PSE&G for past electric and gas service rendered by PSE&G totaling \$2,295.
3. Petitioner agrees to timely pay his PSE&G bills for electric and gas service, and to enter into a deferred payment arrangement ("DPA") with PSE&G to pay off the \$2,295.00 settlement amount agreed to at the time of settlement.
4. In addition to current bills due and owing for his PSE&G account, Petitioner agrees to make twelve (12) monthly supplemental payments of \$191.25 per month in addition to monthly utility bills for the Account commencing with the first bill received after the ALJ's approval of this Stipulation. Petitioner is not foreclosed from paying off the \$2,295.00 settlement amount due prior to the twelve (12) month deferred payment period allotted.

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5. Petitioner acknowledges that he is also responsible for continuing to pay monthly costs associated with appliance service and Worryfree contract purchases.

6. If Petitioner fails to keep the agreement as set forth in the DPA established in paragraph 3 above and/or fails to make payments associated with current electric and gas service associated with his account, Petitioner understands that PSE&G may exercise its authority in accordance with its tariffs and the provisions of N.J.A.C. 14:3-3A.1 et seq.

7. This agreement is in full settlement of the Petition filed by Petitioner on or about ~~June 30, 2008~~, July 16, 2013 (PLS)

8. The undersigned agree that this Settlement contains mutually balancing and interdependent provisions and is intended to be accepted and approved in its entirety. In the event any particular aspect of this Settlement is not accepted and approved by the Board or modified by the Board, the party that is adversely affected by the modification can either accept the modification or declare this Settlement to be null and void, and the parties shall be placed in the same position that they were in immediately prior to its execution.

PSEG SERVICES CORPORATION  
Attorneys for PSE&G

DATED: 9/23/13

By: Alexander C. Stern  
Alexander C. Stern, Esq.  
Associate General Regulatory Counsel

PUBLIC SERVICE ELECTRIC & GAS CO.

DATED: 9/24/13

By: Edward B. Sullivan  
Edward B. Sullivan  
Manager of Customer Operations

DATED:

By: Thomas F. Smith 9/18/13  
Thomas F. Smith, Petitioner