

any interest and penalties leaving an adjusted balance of \$0.00 which covers the period from April 11, 2005, through January 5, 2014. Petitioner is not relieved of its obligation to pay charges for the provision of natural gas after January 5, 2014. Respondent shall also provide a special meter read to Petitioner in January, 2015.

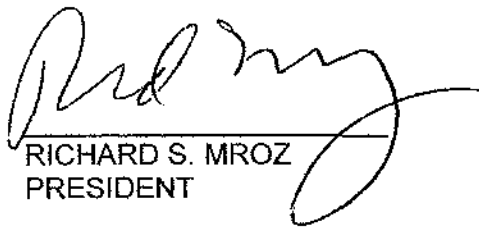
On October 21, 2014, ALJ Moss issued an Initial Decision finding that the Stipulation satisfied the requirements of N.J.A.C. 1:1-19.1 because it was voluntary, its terms fully disposed of all issues in controversy, and it was consistent with the law. On October 23, 2014, ALJ Moss submitted the Initial Decision to the Board.

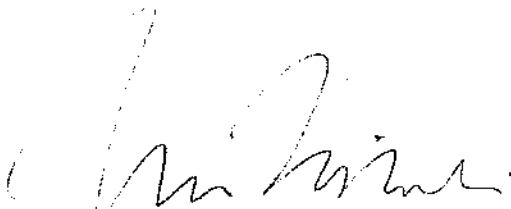
Following a review of the Initial Decision and the Stipulation of Settlement, the Board **HEREBY FINDS** that the parties have voluntarily agreed to the Stipulation as evidenced by their signatures and that by the terms of the Stipulation of Settlement fully resolve all contested issues in this matter.

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: 11/21/14

BOARD OF PUBLIC UTILITIES
BY:


RICHARD S. MROZ
PRESIDENT

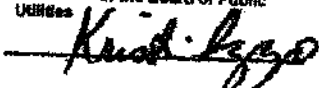

JOSEPH L. FIORDALISO
COMMISSIONER


MARY-ANNA HOLDEN
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



**ROSE MARIE BEIRNE, PETITIONER V. PIVOTAL UTILITY HOLDINGS, INC.,
d/b/a ELIZABETHTOWN GAS, RESPONDENT
BPU DOCKET NO. GC14020163U
OAL DOCKET NO. PUC 03009-14**

SERVICE LIST

Rose Marie Beirne
18 Cranford Terrace
Cranford, New Jersey 07016

Debbie Franco, Esq.
Mary Patricia Keefe, Esq.
Pivotal Utility Holdings, Inc., d/b/a Elizabethtown Gas
300 Connell Drive, Suite 3000
Berkeley Heights, New Jersey 07922

Eric Hartsfield, Director
Division of Customer Assistance
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350

Julie Ford-Williams
Division of Customer Assistance
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350

Christopher M. Psihoules, DAG
Department of Law and Public Safety
Division of Law
124 Halsey Street
Post Office Box 45029
Newark, New Jersey 07101-45029



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

RECEIVED
2014 OCT 24 PM 12 26
NJ BPU
MAILROOM

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 08009-14

AGENCY DKT. NO. GC14020163U

ROSE MARIE BEIRNE,

Petitioner,

v.

ELIZABETHTOWN GAS,

Respondent.

RECEIVED
2014 OCT 24 PM 1 01
CASE FILED

Rose Marie Beirne, petitioner, pro se

Mary Patricia Keefe, Esq. and Deborah Franco, Esq. on behalf of respondent

Record Closed: October 22, 2014

Decided: October 22, 2014

BEFORE **KIMBERLY A. MOSS, ALJ:**

On June 26, 2014, 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 scheduled and conducted during which time a hearing was scheduled. On the date of the hearing the parties resolved all issues in dispute and the settlement was placed on the record, via telephone. On October 16, 2014 the undersigned received a copy of the Settlement Agreement, via fax. On December 24, 2012 the original, fully executed Settlement Agreement was received, which is attached hereto for reference.

I have reviewed the record and terms of the Stipulation of Settlement and **FIND:**

RECEIVED
2014 OCT 24 PM 12 27
PUC
MAILROOM

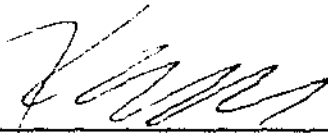
1. The parties have voluntarily agreed to the settlement as evidenced by the signatures of the parties or their representatives.
2. The settlement fully disposes of all issues in controversy and is consistent with law.

I **CONCLUDE** that the agreement meets the requirements of N.J.A.C. 1:1-19.1 and therefore, it is **ORDERED** that the parties comply with the settlement terms and that these proceedings be and are hereby 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 (45) 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.

10-21-14
DATE


KIMBERLY A. MOSS, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

30



Elizabethtown Gas™

An AGL Resources Company

100 Centre Drive, Suite 300
Newark, NJ 07102
Tel: 908 590 0000
www.elizabethtowngas.com

RECEIVED

2014 OCT 22 P 3:48

STATE OF NEW JERSEY
OFFICE OF ALTERNATIVE LAW

October 15, 2014

VIA REGULAR MAIL & FACSIMILE (973-648-2358)

Honorable Kimberly Moss
Administrative Law Judge
Office of Administrative Law
33 Washington Street
Newark, New Jersey 07102

Re Rose Marie Beirne v. Elizabethtown Gas
BPU Docket No. GC14020163U

Dear Judge Moss:

Enclosed for filing is a fully executed Stipulation of Settlement to resolve the above-referenced proceeding. It is respectfully requested that Your Honor recommend approval of the Stipulation and grant such other relief as may be needed to fully resolve this matter.

Please feel free to contact me at (908) 771-8220 if you have any questions or require additional information. Thank you.

Respectfully submitted,

M. Patricia Keefe
Vice President, Regulatory Affairs
and Assistant Corporate Secretary

cc: Rose Marie Beirne

STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

RECEIVED

2014 OCT 22 P 3:48

BPU Docket No. GC14020163
OFFICE OF ADMINISTRATIVE LAW

Rose Marie Beirne :
 :
 vs. :
 :
 Elizabethtown Gas :
_____x

STIPULATION OF SETTLEMENT

WHEREAS, on or about February 19, 2014, Rose Marie Beirne ("Petitioner") filed a Petition with the New Jersey Board of Public Utilities ("Board") disputing a \$650.84 charge ("Disputed Amount") from Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas ("Elizabethtown" or "Company") for natural gas service provided to 18 Cranford Terrace, Cranford, New Jersey.

WHEREAS, Elizabethtown filed an Answer to the Petition on or about May 28, 2014 asserting that the Disputed Amount reflected a "true-up" for an amount of gas consumed by Petitioner but not billed for the period April 11, 2005 through January 5, 2014; and

WHEREAS, the parties engaged in negotiations and, in the interest of resolving this matter without further delay and cost, have decided to settle this matter by this Stipulation of Settlement ("Stipulation").

IT IS THEREFORE AGREED AS FOLLOWS:

1. In the interest of resolving this matter without the need for future litigation and without agreeing with the merits of the allegations expressed in the Petition, Elizabethtown agrees to reduce the Disputed Amount of \$650.84 inclusive of any of interest and penalties to \$0.00 ("Adjusted Balance") and waives any right the Company otherwise may have had to collect the Disputed Balance from Petitioner. Petitioner does not agree with the merits of Elizabethtown's Answer but similarly wants to settle this matter in the interest of avoiding further litigation.
2. The Adjusted Balance of \$0.00 covers the period April 11, 2005 through January 5, 2014. This Stipulation does not relieve Petitioner's obligation to pay charges associated with the provision of natural gas service by the Company to Petitioner after January 5, 2014.
3. Elizabethtown will provide a special meter read to Petitioner in January, 2015.

4. This Stipulation provides for a final resolution of this proceeding.

5. The undersigned agree that this Stipulation 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 Stipulation 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 Stipulation to be null and void, and the parties shall be placed in the same position that they were in immediately prior to its execution.

PIVOTAL UTILITY HOLDINGS, INC.
d/b/a ELIZABETHTOWN GAS

By: M. Patricia Keefe
Mary Patricia Keefe, Esq.
Vice President

Dated: October 10, 2014

Rose Marie Beirne
Rose Marie Beirne

Dated: September 29, 2014