



Agenda Date: 9/11/15  
 Agenda Item: VIIC

**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

<p><b>PRINCETON OPTRONICS.</b>          Petitioner</p> <p style="text-align: center;">v.</p> <p><b>PUBLIC SERVICE ELECTRIC AND GAS COMPANY,</b>          Respondent</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>ORDER ADOPTING          INITIAL DECISION          SETTLEMENT</p> <p>BPU DOCKET NO. EC14070756U          OAL DOCKET NO. PUC 16374-14</p>
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**Parties of Record:**

**Edwin R. Matthews, Esq.,** on behalf of Petitioner (Bourne, Noll & Kenyon, PC, attorneys)  
**Sheree L. Kelly, Esq.,** on behalf of Respondent, Public Service Electric and Gas Company

BY THE BOARD:<sup>1</sup>

On July 22, 2014, Princeton Optronics. ("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 to the premises 1 Electronics Drive, Floor 1, Hamilton Township, New Jersey 08619 (the "Property").<sup>2</sup>

**BACKGROUND**

Petitioner alleged that on or about January 1, 2009, it conducted an audit of its electric bills and found certain irregularities with respect to usage at the Property. Petitioner claimed its audit revealed that electrical consumption over the weekends, when the building was not in use, was significantly higher than the consumption on the weekdays, when the facility was in use. Petitioner further claimed that after Respondent changed the meter in September 2009, the electricity usage decreased dramatically, particularly on the weekends.

<sup>1</sup> Commissioner Upendra J. Chivukula recused himself due to a potential conflict of interest and as such took no part in the discussion or deliberation of this matter.

<sup>2</sup> This matter had been previously filed in the New Jersey State Superior Court on October 22, 2012, but subject to a May 23, 2014 Order of Melvin Gelade, J.S.C, the action was transferred to the Board.

Respondent filed an answer on September 30, 2014, denying that Petitioner was incorrectly billed. Respondent contended that services were supplied and billed in accordance with terms and conditions and rate schedules set forth in its Board approved Tariff. Respondent requested that the relief sought by Petitioner be denied on the basis that it failed to set forth a claim upon which relief may be granted.

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") John R. Futey.

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 the ALJ. By Initial Decision issued on July 30, 2015, and submitted to the Board on August 3, 2015, to which the Stipulation was attached and made part thereof, ALJ Futey 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 fully resolve this matter in settlement of the petition filed by Petitioner pertaining to service provided to the subject Property, the parties have agreed to the following:

- Petitioner shall move to dismiss, with prejudice, the Superior Court case pending under Docket No. MID-L-7281-12 and provide a Dismissal Order to Respondent.
- Upon receipt of the Dismissal Order, with prejudice, Respondent shall credit Petitioner's account ending in 3282 5 6 in the amount of \$150,000.00.
- The parties agree that the 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 the 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 the Stipulation to be null and void, and all the parties shall be placed in the same position that they were in immediately prior to its execution.

## **DISCUSSION**

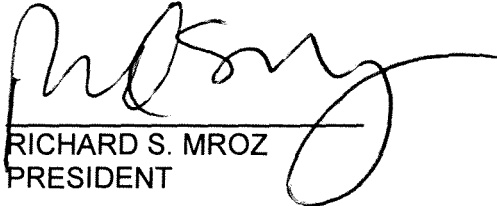
After review of the record and the Stipulation of Settlement of the parties, the Board **HEREBY FINDS** that the parties have voluntarily agreed to the settlement as evidenced by their signatures and that by the terms of the Stipulation of Settlement, have fully resolved all outstanding contested issues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

Accordingly, the Board **HEREBY ADOPTS** the Initial Decision and the Stipulation of Settlement executed by the parties in their entirety. The Stipulation of Settlement is attached hereto and made a part hereof.

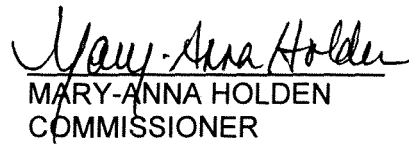
The effective date of this Order is September 21, 2015.

DATED: 9-11-15

BOARD OF PUBLIC UTILITIES  
BY:

  
RICHARD S. MROZ  
PRESIDENT

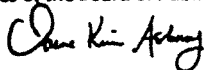
  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
MARY-ANNA HOLDEN  
COMMISSIONER

  
DIANNE SOLOMON  
COMMISSIONER

ATTEST:   
IRENE KIM ASBURY  
SECRETARY

I HEREBY CERTIFY that the within  
document is a true copy of the original  
in the files of the Board of Public Utilities



PRINCETON OPTRONICS

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU DOCKET NO. EC14070756U

OAL DOCKET NO. PUC 16374-14

SERVICE LIST

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**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

CAS

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 16374-14  
AGENCY DKT. NO. EC14070756U

**PRINCETON OPTRONICS,**

Petitioner,

v.

**PUBLIC SERVICE ELECTRIC  
AND GAS COMPANY,**

Respondent,

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**Edwin R. Matthews**, Esq., for petitioner (Bourne, Noll & Kenyon, PC, attorneys)

**Sheree L. Kelly**, Esq., for respondent

Record Closed: June 15, 2015

Decided: July 30, 2015

BEFORE JOHN R. FUTEY, ALJ t/a:

This matter was transmitted to the Office of Administrative Law on December 11, 2014, 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 matter was assigned to the Honorable Robert Bingham for hearing set for June 8 and 11, 2015. Prior thereto, the parties requested a settlement conference and this matter was reassigned to this administrative law judge, who conducted a settlement conference on May 26, 2015.

OAL DKT. NO. PUC 16374-14

The parties have agreed to a settlement and have prepared a Settlement Agreement indicating the terms thereof, which is attached and fully incorporated herein.

(J-1.)

I 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.

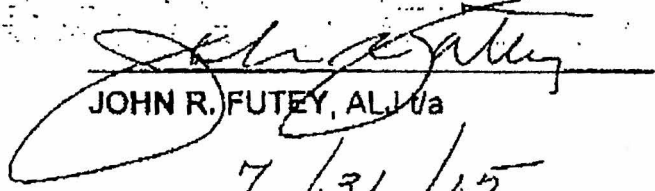
I hereby FILE my initial decision with the BOARD OF PUBLIC UTILITIES for consideration.

OAL DKT. NO. PUC 16374-14

This recommended decision may be adopted, modified or rejected by the **BOARD OF PUBLIC UTILITIES**, who by law is authorized to make a final decision in this matter. If the (title of agency head) 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.

July 30, 2015

DATE

  
\_\_\_\_\_  
JOHN R. FUTEY, ALI/ta

Date Received at Agency:

7 / 31 / 15

Date Mailed to Parties:

8 / 3 / 15

/bdt

*J. Walsh*

RECEIVED

2015 JUN 15 P 2 10  
STATE OF NEW JERSEY  
OFFICE OF ADMIN. LAW

STATE OF NEW JERSEY  
OFFICE OF ADMINISTRATIVE LAW

Princeton Optronics  
Petitioner  
v.  
Public Service Electric and Gas Company,  
Respondent

OAL Docket No. PUC 16374-2014 8  
EPU Docket No. EC14070736U

STIPULATION OF SETTLEMENT

This matter having been brought before the Office of Administrative Law by the Petitioner, Princeton Optronics I.J.C. ("Petitioner"), against Respondent Public Service Electric and Gas Company ("PSE&G" or "Respondent") for utility service rendered by PSE&G to the premises, 1 Electronics Drive, Floor 1, Hamilton Township, NJ 08619 (the "Property") and the Parties having agreed to settle this matter, hereby set forth the terms and conditions of their settlement agreement as follows:

1. Petitioner shall move to dismiss, with prejudice, the Superior Court case pending under Docket No. MID-L-7281-12 and provide a Dismissal Order to Respondent.
2. Upon receipt of the Dismissal Order, with prejudice, PSE&G shall credit Petitioner's account no. ending in 282 5 6 in the amount of \$150,000.00.
3. The undersigned agree that this Stipulation of 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.

Petitioner: Princeton Optronics  
By: *Edwin R. Matthews*  
Edwin R. Matthews, Esq.  
For Petitioner  
Date: 6/10/15

Respondent: PSE&G  
By: *James T. Walsh*  
James T. Walsh  
Sr. Customer Relations Consultant  
Date: 6-10-2015