



Agenda Date: 7/29/16
Agenda Item: VIIA

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CUSTOMER ASSISTANCE

AMERICA'S HOPE DAYCARE & EDUCATION, INC.,)
Petitioner)
)
v.)
)
PUBLIC SERVICE ELECTRIC AND GAS COMPANY)
Respondent.)

ORDER ADOPTING INITIAL
DECISION SETTLEMENT

BPU DOCKET NO. EC15060735U
OAL DOCKET NO. PUC 17958-15

Parties of Record:

Pourang Bral, on behalf of Petitioner
Samuel A. Wolfe, Esq., on behalf of Respondent (PSE&G Services Corporation)

BY THE BOARD:

On June 22, 2015, America's Hope Daycare and Education, Inc. ("AHDE" or "Petitioner") filed a petition with the Board of Public Utilities ("Board") related to a billing dispute with Public Service Electric and Gas Company ("PSE&G Services Corporation" or "Respondent") for electric and gas services rendered by Respondent to the Petitioner.

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") Kimberly A. Moss.

The parties subsequently voluntarily agreed to resolve the matter and entered into a signed Stipulation of Settlement ("Stipulation") that was submitted to the ALJ. By Initial Decision issued on June 23, 2016, and submitted to the Board on June 24, 2016, to which the Stipulation was attached and made part thereof, ALJ Moss 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, Respondent agreed to give a credit to Petitioner in the amount of \$4,300.00 with respect to Petitioner's utility bill of \$9,150.77. Petitioner agreed to enter into a ten-month Deferred Payment Arrangement with PSE&G Services Corporation to pay off the remaining \$4,850.77.

In addition to paying its monthly utility bills, Petitioner agreed to make nine (9) monthly supplemental payments of \$500.00, and a tenth (10) payment of \$350.77 commencing with its June 2016 PSE&G Services Corporation utility bill.

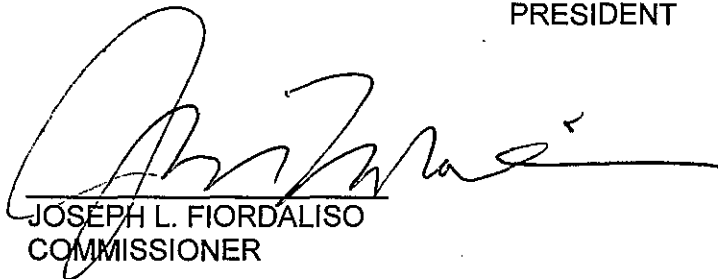
After review of the Initial Decision and the Stipulation, the Board **HEREBY FINDS** that the parties have voluntarily agreed to the settlement as evidenced by their signatures and that, by the terms of the Stipulation, they have fully resolved all outstanding contested issues in this matter. Accordingly, the Board **HEREBY ADOPTS** the Initial Decision and the Stipulation executed by the parties in their entirety as if fully set forth herein.

The effective date of this Order is August 8, 2016.

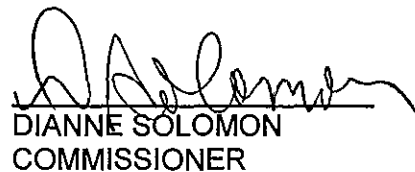
DATED: 7/29/16

BOARD OF PUBLIC UTILITIES
BY:

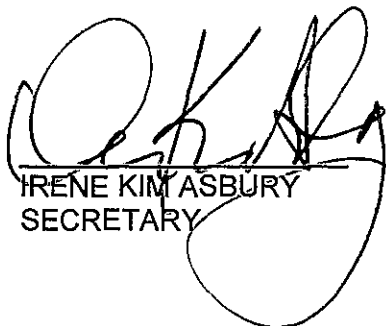

RICHARD S. MROZ
PRESIDENT


JOSEPH L. FIORDALISO
COMMISSIONER

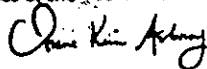

MARY-ANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
COMMISSIONER


UPENDRA J. CHIVUKULA
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.



AMERICA'S HOPE DAYCARE & EDUCATION, INC.

v.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU Docket No. EC15060735U

OAL Docket No. PUC 17958-15

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RECEIVED

JUN 24 2016

BOARD OF PUBLIC UTILITIES
MAIL ROOM



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

JUN 24 2016
CMS

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 17958-15

AGENCY DKT. NO. EC15060735U

AMERICA'S HOPE DAY CARE & EDUCATION, INC.,

Petitioner,

v.

**PUBLIC SERVICE ELECTRIC AND GAS
COMPANY,**

Respondent.

Neal Pomper, Esq. on behalf of petitioner

Samuel A. Wolfe, Esq., on behalf of respondent (PSE&G Services Corporation)

Record Closed: June 23, 2016

Decided: June 23, 2016

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

On November 12, 2015, 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 wherein the parties engaged in extensive settlement discussions. Several telephone conferences were conducted thereafter. A hearing was conducted on May 26, 2016 wherein the parties agreed to a follow up conference on July 1, 2016. Prior to that date the undersigned received the Stipulation of Settlement, which is incorporated herein by reference.

CMS
V. Hayes
D. Thomas
E. Hartsfield
J. Ford

C. Jordan
R. Lambert
J. Gertzman
B. Agee
L. Vachien

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


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.

6-23-16
DATE


KIMBERLY A. MOSS, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

ljb

STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

5/20/16

America's Hope Day Care and Education,)
Inc.)

2016 JUN 23 A 11:15

Petitioner,)

) BPU DOCKET NO. EC15060735U
) OAL DOCKET NO. PUC 17958-2015N

v.)

) **STIPULATION OF SETTLEMENT**

Public Service Electric & Gas Company)

Respondent.)

In or about June 2015, Petitioner filed the above-referenced billing 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 amicably and to avoid further delay and costs to the parties, the parties 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 good customer relations, PSE&G agrees to credit Petitioner's Primary Account with \$4,300.
2. Petitioner acknowledges that, after application of the \$4,300 bill credit referenced in paragraph 1, Petitioner will still owe an outstanding overdue balance of \$4,850.77 on the account owed for past electric and gas service rendered by PSE&G.
3. Petitioner agrees to timely pay its PSE&G bills for electric and gas service, and to enter into a 10-month Deferred Payment Arrangement ("DPA") with PSE&G, to pay off the remaining \$4,850.77 settlement amount agreed to on May 26, 2016.
4. In addition to Petitioner paying its monthly utility bills, Petitioner agrees to make nine (9) supplemental payments of \$500.00 each month commencing with its June 2016 PSE&G bill, and a tenth (10th) payment of \$350.77. The first payment will be due on company records by June 30, 2016. Petitioner is not foreclosed from paying off the \$4,850.77 settlement amount prior to the ten-month deferred payment period allotted.

5. If Petitioner fails to comply with the agreement as set forth in the DPA and/or fails to make payments associated with current electric and gas service associated with the utility account, then Petitioner understands that (i) PSE&G would be entitled to place a security deposit on the utility account as well as all amounts due and owing at that time, and (ii) 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. to discontinue service.

6. In addition to payments under the DPA, Petitioner agrees and understands that Petitioner must make timely payment of PSE&G monthly utility bills for utility service associated with his utility account so long as Petitioner remains a PSE&G customer.

7. This agreement is in full settlement of the Petition filed by Petitioner in or about June 2015.

8. The undersigned agree that this Settlement contains mutually balancing and interdependent provisions and is intended to be accepted and approved in its entirety. If 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:

By: 

Samuel A. Wolfe, Esq.
Senior Counsel

PUBLIC SERVICE ELECTRIC & GAS CO.

DATED:

6-16-16

By: 

James T. Walsh
Senior Customer Relations Consultant

America's Hope Day Care and
Education, Inc.

DATED:

6/19/16

By: 

Pourang Bral, President