



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314  
Post Office Box 350  
Trenton, New Jersey 8625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

CUSTOMER ASSISTANCE

GREGORY LOVE,  
Petitioner,

v.

ATLANTIC CITY ELECTRIC COMPANY,  
Respondent.

ORDER OF EXTENSION

BPU DOCKET NO. EC16020114U  
OAL DOCKET NO. PUC 05183-16

(SERVICE LIST ATTACHED)

The Initial Decision of the Administrative Law Judge was received by the Board of Public Utilities (Board) on January 26, 2017; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on March 13, 2017. Prior to that date, the Board requests an additional 45-day extension of time for issuing the Final Decision in order to adequately review the record in this matter.

Good cause having been shown, pursuant to N.J.S.A. 52:14B-10(c) and N.J.A.C. 1:1-18.8, **IT IS ORDERED** that the time limit for the Board to render a Final Decision is extended until April 27, 2017.

DATED: 2/22/17

BOARD OF PUBLIC UTILITIES

BY:<sup>1</sup>

RICHARD S. MROZ  
PRESIDENT

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

<sup>1</sup> Authorized by Board to execute this Order of Extension on its behalf.

Date Board mailed Order to OAL: 2/23/17

cc: Service List Attached

DATED: 2/23/17

  
\_\_\_\_\_  
LAURA SANDERS, ACTING  
DIRECTOR & CHIEF  
ADMINISTRATIVE LAW JUDGE

Date OAL mailed executed Order to Board: 2/23/17

Date Board mailed executed Order to Parties: 2/23/17

**GREGORY LOVE**

**V.**

**ATLANTIC CITY ELECTRIC COMPANY  
BPU DOCKET NO. EC16020114U  
OAL DOCKET NO. PUC 05183-16**

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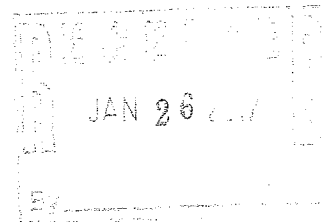
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JAN 26 2017

BOARD OF PUBLIC UTILITIES  
MAIL ROOM



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



**INITIAL DECISION**

OAL DKT. NO. PUC 05183-16

AGENCY DKT NO. EC16020114U

**GREGORY LOVE,**

Petitioner,

v.

**ATLANTIC CITY ELECTRIC**

**COMPANY,**

Respondent.

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**Gregory Love, petitioner, pro se**

**Pamela J. Scott, Esq., for respondent Atlantic City Electric Company**

Record Closed: December 15, 2016

Decided: January 26, 2017

BEFORE **JOHN S. KENNEDY, ALJ:**

**STATEMENT OF THE CASE**

On February 2, 2016, Gregory Love (hereinafter Love or petitioner) filed a billing dispute against Atlantic City Electric Company (hereinafter ACE) with the Board of Public Utilities (hereinafter Board or BPU). ACE supplies electric service to the Love home. Petitioner believes there was an issue with his electric meter, and he alleges that the failure of the meter caused him to be overcharged.

*Cms*  
V. Haynes  
D. Lee Thomas  
E. Hartsfield  
J. Ford  
C. Jordan  
R. Matos  
R. Lambert  
J. Gertsman  
B. Agee  
C. Vachier

## PROCEDURAL HISTORY

The petitioner requested a fair hearing, and the matter was transmitted to the Office of Administrative Law (OAL) where it was filed on April 5, 2016, to be heard as a contested case pursuant to N.J.S.A. 52:14B-1 to 15 and 14F-1 to 13. The matter was heard on December 15, 2016, and on that date the record closed.

## SUMMARY OF RELEVANT FACTS

The record in this matter includes documentary evidence and the testimony of the individuals who prepared the documents or had knowledge of the matter. After considering the evidence presented, I **FIND** the following to be the relevant and credible **FACTS** in this matter:

Petitioner has lived at his current residence for fifteen years. In 2014 petitioner's monthly kilowatt (hereinafter KWH) usage averaged 358 KWH. In January 2015, petitioner was charged for 787 KWH for that monthly billing cycle. As a result, petitioner asked that the meter be checked and tested.

The meter was removed and replaced on February 25, 2015. In January 2014, petitioner was charged for 404 KWH of electricity usage. The January 2014 billing cycle was 31 days. In January 2016, he was charged 491 KWH hours for a billing cycle of 29 days. The January 2015, billing cycle contained forty days as a result of a change in respondent's billing process. In January 2015, petitioner's daily usage was 19.68 KWH. Petitioner asserts that his usage did not change in any way. He does not have electric heat in his home. Petitioner contends that he spoke to a representative from ACE shortly after the meter was replaced and he was told that this meter was faulty. He does not know with whom he spoke and ACE has no records of such a conversation and denies that the meter was faulty.

Gary Nye is a Senior Analyst with ACE, and he was assigned the petitioner's complaint. His job is to handle billing disputes and inquiries. Nye testified that as a result of petitioner's complaint, he prepared usage statement for the premises. (R-1.)

His review revealed that petitioner's January to December 2015 usage was comparable to that same time period in other years. (R-1.) The January 2015, usage increased significantly but there were more days in that billing cycle. He conducted a daily usage analysis and determined that petitioner's daily usage from November 2014 through March 2015 was between 18.89 KWH and 20.79 KWH.

Robert Polk, a senior engineer for the ACE meter department, was assigned to test the old meter. His testing of meter #99G064613687, which was removed from the Love residence, was on February 24, 2015. The meter was tested for full load (FL), light load (LL), and power factor (PF). The average accuracy was 100.29 percent. (R-5.) This fully complied with New Jersey state regulations. This indicates that the meter was functioning properly. After testing, the meter was retired and placed in storage, where it would typically be kept for ninety days and then discarded.

### **LEGAL ANALYSIS AND CONCLUSION**

In this administrative proceeding, the petitioner bears the burden of proof by a preponderance of the competent, credible evidence as to those matters that are justifiably before the OAL. Atkinson v. Parsekian, 37 N.J. 143 (1962). Evidence is found to preponderate if it establishes the reasonable probability of the facts alleged and generates reliable belief that the tendered hypothesis, in all human likelihood, is true. See Loew v. Union Beach, 56 N.J. Super. 93, 104 (App. Div.), certif. denied, 31 N.J. 75 (1959).

N.J.A.C. 14:5-4.3(a) states:

No meter that has an error in registration of more than plus or minus two percent shall be placed in service or allowed to remain in service without adjustment.

N.J.A.C. 14:3-4.6(a) states:

Whenever a meter is found to be registering fast by more than two percent, or in the case of water meters, more than one and one half percent, an adjustment of charges shall be made in accordance with this section. No adjustment shall

be made if a meter is found to be registering less than 100 percent of the service provided, except under (d) below.

In this case, meter #99G064613687, which was removed from the Love residence, was registering at 100.29 percent. Being not more than two percent over or under 100 percent, the meter was accurate in accordance with the regulation. Love provided no legally competent evidence to support the claim that the meter was inaccurate. The increase in KWH usage in January 2015, could be accounted for by number of days in the billing cycle. In January 2015, petitioner's daily usage was 19.68 KWH which falls squarely between petitioner's daily usage average from November 2014 through March 2015, which was between 18.89 KWH and 20.79 KWH. I therefore **CONCLUDE** that the meter that was removed from the Love residence on February 24, 2015, was accurate.

**ORDER**

All relief sought by petitioner is **DENIED** and the action filed by petitioner is **DISMISSED**.

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.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **SECRETARY OF THE BOARD OF PUBLIC UTILITIES, 44 South Clinton Avenue, P.O. Box 350, Trenton, NJ 08625-0350**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

January 26, 2017

DATE



JOHN S. KENNEDY, ALJ

Date Received at Agency:

\_\_\_\_\_

Date Mailed to Parties:

\_\_\_\_\_

JSK/dm



**APPENDIX**

**LIST OF WITNESSES**

**For Petitioner:**

Gregory Love

**For Respondent:**

Gary Nye

Robert Polk

**LIST OF EXHIBITS**

**For Petitioner:**

None

**For Respondent:**

- R-1 Customer Usage Statement
- R-2 Photocopies of Bills, January 2014 through November 2016
- R-3 Billing Statement, August 2014 through November 2016
- R-4 Correspondence, dated October 30, 2015
- R-5 Meter test results