



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

JAZMEN CAMAROTA
Petitioner,

v.

ATLANTIC CITY ELECTRIC COMPANY,
Respondent.

ORDER OF EXTENSION

BPU DOCKET NO. EC16101045U
OAL DOCKET NO. PUC 18764-16

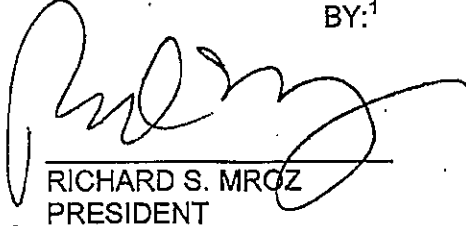
(SERVICE LIST ATTACHED)

The Initial Decision of the Administrative Law Judge was received by the Board of Public Utilities (Board) on July 27, 2017; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on September 10, 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 October 25, 2017.

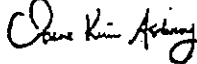
DATED: 8/23/17

BOARD OF PUBLIC UTILITIES
BY:¹


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.



¹ Authorized by Board to execute this Order of Extension on its behalf.

Date Board mailed Order to OAL: 8/24/17

cc: Service List Attached

DATED: 8/28/17



LAURA SANDERS, ACTING
DIRECTOR & CHIEF
ADMINISTRATIVE LAW JUDGE

Date OAL mailed executed Order to Board: 8/28/17

Date Board mailed executed Order to Parties: 8/28/17

JAZMEN CAMAROTA

V.

ATLANTIC CITY ELECTRIC COMPANY
BPU DOCKET NO. EC16101045U
OAL DOCKET NO. PUC 18764-16

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State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. PUC 18764-16

AGENCY DKT. NO. EC16101045U

JAZMEN CAMAROTA

Petitioner,

v.

ATLANTIC CITY ELECTRIC

COMPANY,

Respondent.

Jazmen Camarota, petitioner, pro se

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

Record Closed: June 13, 2017

Decided: July 27, 2017

BEFORE **JEFFREY R. WILSON**, ALJ:

STATEMENT OF THE CASE

The petitioner, Jazmen Camarota, appeals a billing dispute against respondent, Atlantic City Electric Company (ACE), which had terminated electric service in 2010 to an ACE account in the petitioner's name at XXXX Arkansas Avenue, 1st Floor, Atlantic City, New Jersey, with a balance outstanding.

In 2013, when the petitioner commenced service with ACE at XXXX Kentucky Avenue, Atlantic City, New Jersey, ACE transferred the balance due from the Arkansas

Avenue account to the Kentucky Avenue account. Petitioner contends that she never lived at the Arkansas Avenue address and does not know who lived there at any time. She further contends that she never authorized service in her name at the Arkansas Avenue address.

PROCEDURAL HISTORY

On October 31, 2016, the petitioner requested a fair hearing, and the matter was transmitted to the Office of Administrative Law (OAL) where it was filed on December 14, 2016, to be heard as a contested case. N.J.S.A. 52:14B-1 to 15 and 14F-1 to 13. The matter was heard on June 13, 2017, and the record closed.

FACTUAL DISCUSSION AND FINDINGS

The following facts are not in dispute, therefore, I **FIND** the following as **FACT**:

On November 30, 2009, ACE commenced service to XXXX Arkansas Avenue, 1st Floor, Atlantic City, New Jersey, under Account # [REDACTED]. Billing for this service was in the name of "Jazmen Camarota". (R-1.) ACE terminated this service on May 11, 2010, with an outstanding balance due of \$2,456.98. (R-3.)

In September 2013, the petitioner initiated service with ACE to add her name to Account # [REDACTED] at XXXX Kentucky Avenue, Atlantic City, New Jersey. On September 18, 2013, ACE transferred the balance due from the Arkansas Avenue account to the Kentucky Avenue account because of the matching names associated with the two accounts. The petitioner contacted ACE to dispute the transferred balance and asserted that she had never resided at the Arkansas Avenue address and did not know who lived there.

Testimony

Judy Rogozinski, Senior Regulatory Assessor, has been employed by ACE for nineteen years. She was responsible for handling petitioner's dispute. She testified

that ACE had provided electrical service to the Arkansas Avenue address from November 2009 through May 2010, under the name "Jazmen Camarota" with Social Security Number (SSN) XXX-XX-7940. That service was terminated with an outstanding balance of \$2,456.98.

In 2013, when the petitioner made application to add her name to the Kentucky Avenue account, the outstanding balance from the Arkansas Avenue account was transferred to the Kentucky Avenue account because of the matching names and SSN. Rogozinski testified that the SSN associated with the Arkansas Avenue account, was attributed to the petitioner and another unrelated person residing in Texas. Rogozinski did not provide any documentation for the disputed period, including an application for service or any billing, because ACE has a policy of maintaining records for seven years. Instead, she provided a Statement of Charges (R-1) and a Billing Statement (R-3.) Both documents were created specifically for the fair hearing.

As directed, the petitioner submitted documentation in support of her position that she never resided at the Arkansas Avenue address. Rogozinski acknowledged receipt of petitioner's submission (P-1) that included bank statements, hotel bills, college application information and pay stubs/history from the Taj Mahal Casino. All documentation submitted listed the petitioner's address as either XX Martin Luther King Boulevard, Apartment B-XXX, Atlantic City or XXXX Kentucky Avenue, Atlantic City. Rogozinski reviewed these documents and determined that they were not sufficient to establish residency. Instead, she wanted the petitioner to submit documentation such as a driver license, a lease, utility bills or automobile registration/insurance. She testified that she did not recall receiving copies of the petitioner's driver license or Social Security Card. (R-2.)

In determining that the petitioner resided at the Arkansas Avenue address, Rogozinski relied heavily upon a document provided to her by ACE's Credit Department. (R-2.) The document purported to be a Warrant of Removal (Warrant) issued on May 3, 2010, in the matter of Babul Haque v. Jazmen Camarota, Docket ATL-LT-003602-09. It was pointed out that the word Atlantic was misspelled (Atalntic) as the County Court House of venue and the document identified the Clerk of the Civil court as

"Teresa Ungardo" and the Warrant was signed with the same name. It was also pointed out that the then Clerk of the Civil Court was "Teresa Ungaro" – not "Ungardo". Rogozinski did not conduct any investigation as to these discrepancies.

Rogozinski testified that the petitioner did establish a payment plan at one point, but later cancelled the same.

Jazmen Camarota insisted that she never lived at the Arkansas Avenue address. She was born in 1991 and was raised at XXXX Fairmont Avenue, Atlantic City, New Jersey and XXX N. Texas Avenue, Atlantic City, New Jersey. In 2008 she moved to the Martin Luther King Boulevard address and in 2010, she moved to the Kentucky Avenue address. During the time in question, she only resided at the Martin Luther King Boulevard and Kentucky Avenue addresses.

As directed by ACE, petitioner submitted documentation in support of her claim to residency including a college enrollment printout, pay stubs/history from Taj Mahal Casino, bank statements from ABCO Federal Credit Union, a travel itinerary and a printout from the New Jersey Medicaid Eligibility System. All documentation list either the Martin Luther King Boulevard address or the Kentucky Avenue address. (P-1.) She also submitted copies of her Social Security Card issued January 29, 2010, and a copy of her New Jersey Driver License issued May 14, 2010. (P-2.) The petitioner felt that ACE failed to give proper consideration to the documentation she submitted and expressed her frustration at trying to prove that she never lived at the Arkansas Avenue address.

When the petitioner received a copy of the Warrant (R-2) from Rogozinski, she contacted the Superior Court of New Jersey and was provided with Automated Case Management System printouts confirming that the docket number printed on the Warrant was actually associated with a case entitled East Coast The Landings, LLC v. T.D. and N.D. When the Court did a search of the petitioner's name, the only case associated was a 2012 landlord tenant action relative to the Kentucky Avenue address. (P-1.)

The petitioner testified that when she initiated the dispute, ACE did not have her SSN associated with the Arkansas Avenue address, and that ACE did not have her SSN until she provided it in an attempt to resolve the billing dispute. On November 14, 2013, the petitioner filed a citizen's complaint with the Atlantic City Police Department to see if any relief could be sought relative to who placed her name on the Arkansas Avenue account. (P-1.) No action was taken on the complaint because she did not know the name of the person owning or living at the Arkansas Avenue address.

The petitioner did acknowledge entering into a payment plan with ACE, but contends that it was to avoid termination of service (shut-off), not to pay towards the outstanding balance associated with the Arkansas Avenue address. (P-1.)

Findings

For testimony to be believed, it must not only come from the mouth of a credible witness, but it also has to be credible in itself. It must elicit evidence that is from such common experience and observation that it can be approved as proper under the circumstances. See Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961). A credibility determination requires an overall assessment of the witness's story in light of its rationality, internal consistency, and the manner in which it "hangs together" with the other evidence. Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963). Also, "[t]he interest, motive, bias, or prejudice of a witness may affect his credibility and justify the [trier of fact], whose province it is to pass upon the credibility of an interested witness, in disbelieving his testimony." State v. Salimone, 19 N.J. Super. 600, 608 (App. Div.), certif. denied, 10 N.J. 316 (1952) (citation omitted). Furthermore, a trier-of-fact may reject testimony because it is inherently incredible, or because it is inconsistent with other testimony or with common experience, or because it is overborne by other testimony. Congleton v. Pura-Tex Stone Corp., 53 N.J. Super. 282, 287 (App. Div. 1958).

I accept that the petitioner was credible in her testimony that she did not live at the Arkansas Avenue address. She was diligent and truthful in responding to ACE's requests for documentation even though ACE was not able to provide any documents

related to the account in dispute for any of the time in question. She addressed each of ACE's concerns thoroughly and in a timely fashion. I **FIND** as **FACT** that the petitioner did not reside at the Arkansas Avenue address during the period in dispute.

The petitioner successfully and effectively discredited the document that ACE purported to be a valid Warrant by furnishing contradicting information through the New Jersey Superior Court's Automated Case Management System.

LEGAL ANALYSIS AND CONCLUSION

In this administrative proceeding, the petitioner bears the burden of proof by a preponderance of the competent, credible evidence. 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).

Here, the petitioner was diligent and truthful in responding to ACE's requests for documentation even though ACE was not able to provide any documents related to the account in dispute for the period in question. She addressed each of ACE's concerns thoroughly and in a timely fashion. The petitioner successfully and effectively discredited the document that ACE purported to be a valid Warrant by furnishing contradicting information through the New Jersey Superior Court's Automated Case Management System.

I **CONCLUDE** that the petitioner met her burden of proof by a preponderance of the evidence and **CONCLUDE** that she is not responsible to ACE for the outstanding balance of \$2,456.98.

ORDER

It is therefore **ORDERED** that the relief sought by petitioner is **GRANTED**. The petitioner is not responsible to ACE for the outstanding balance of the Arkansas Avenue address in the amount of \$2,456.98.

It is further **ORDERED** that ACE shall immediately issue a credit to the petitioner's ACE Account # [REDACTED] in the amount of \$2,456.98.

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.



July 27, 2017

DATE

JEFFREY R. WILSON, ALJ

Date Received at Agency:

Date Mailed to Parties:

JRW/dm

APPENDIX

LIST OF WITNESSES

For Petitioner:

Jazmen Camarota

For Respondent:

Judy Rogozinski, Senior Regulatory Assessor

LIST OF EXHIBITS

For Petitioner:

- P-1 Fair Hearing Packet
- P-2 Copy of petitioner's Social Security Card and New Jersey Driver License

For Respondent:

- R-1 Statement of Charges for XXXX Arkansas Avenue, 1st Floor / ACE Account # [REDACTED]
- R-2 ACE letter to petitioner, dated November 25, 2014, enclosing a copy of a Warrant of Removal
- R-3 Billing Statement for XXXX Arkansas Avenue, 1st Floor / ACE Account #3784201999
- R-4 Billing Statements, September 2010, through May 2017, for XXXX Kentucky Avenue / ACE Account # [REDACTED]
- R-5 Social Security Inquiry Report, dated May 26, 2017