



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

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ORDER ADOPTING
INITIAL DECISION

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

Parties of Record:

Jazmen Camarota, Petitioner, pro se
Pamela J. Scott, Esq., on behalf of Respondent, Atlantic City Electric Company

BY THE BOARD:¹

PROCEDURAL HISTORY

By petition filed with the Board of Public Utilities ("Board") on October 31, 2016 ("Petition"), Jazmen Camarota ("Petitioner" or "Ms. Camarota") disputed charges associated with electric service provided to the 1st floor of an address on Arkansas Avenue in Atlantic City, New Jersey ("Arkansas Ave. Address") by Atlantic City Electric Company ("ACE", "Respondent," or "Company"). On November 30, 2016, ACE filed a Verified Answer to the Petition with affirmative defenses and counterclaims. On December 14, 2016, the Board transferred the matter to the Office of Administrative Law for a hearing 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.

The case was assigned to Administrative Law Judge ("ALJ") Jeffrey R. Wilson. An evidentiary hearing was held before ALJ Wilson on June 13, 2017. The record was closed on that date. On July 27, 2017, ALJ Wilson issued an Initial Decision in favor of Petitioner, granting the relief sought by Petitioner and ordering that a credit be issued to Petitioner of the full amount in dispute. At the August 23, 2017 Board Agenda Meeting, a 45-day extension of time for issuing a final decision was granted. No exceptions have been filed.

¹ Commissioner Dianne Solomon did not participate.

BACKGROUND

In the Petition, Ms. Camarota claimed that she was not responsible for charges incurred as a result of electricity consumption at the Arkansas Ave. Address from the time period of November 30, 2009 through May 11, 2010. She asserted that she had never lived at the Arkansas Ave. Address and had no knowledge of an account opened in her name at that address. Petitioner asserted that she first became aware that her name appeared on a past account for the Arkansas Ave. Address when she called Respondent's office in August 2013 to establish service in her name at a separate address where she was residing. Upon matching the name on the account associated with the Arkansas Ave. Address, Respondent transferred the unpaid balance, in the amount of approximately \$2,500.00, to Petitioner's current bill. Through the filing of this Petition, Petitioner sought to have the full amount of the transferred balance removed from her bill, and found not to be her responsibility, as she claims she never lived at or authorized service at the Arkansas Ave. Address.

At the hearing, the Company presented its case first, calling one witness: Judy Rogozinski, a senior regulatory assessor who has been employed by the Company for nineteen years. Ms. Rogozinski testified that, in her position, she investigates escalated concerns brought through the Board by customers of ACE, and that Ms. Camarota's matter was assigned to her.

Ms. Rogozinski testified that an account was opened in Petitioner's name at the Arkansas Ave. Address on November 30, 2009, and that charges were incurred through May 11, 2010. The balance totaling \$2,456.98, as of that date, was then transferred to another account associated with Petitioner's name. Ms. Rogozinski testified that the bills corresponding to the account for the Arkansas Ave. Address were purged from the system due to their age and were no longer available. She testified that she had spoken to Petitioner about Petitioner's dispute of the charges and had advised Petitioner to submit proof that Petitioner was not residing at the Arkansas Ave. Address during the period in question. Ms. Rogozinski further testified that she did receive paperwork from Petitioner, but it was not sufficient to prove that she did not reside at the Arkansas Ave. Address.

In her direct testimony, Ms. Rogozinski identified an eviction notice from the Superior Court of New Jersey directed to Petitioner at the Arkansas Ave. Address dated May 8, 2010, which was later moved into evidence as exhibit R-2. Ms. Rogozinski testified that she relied, in part, on R-2 in determining that Petitioner had lived at the Arkansas Ave. Address at the time the charges were incurred.

On cross examination, Ms. Rogozinski acknowledged that there was an issue with Ms. Camarota's social security number being associated with two separate individuals – Ms. Camarota, and an individual with a Texas address. She acknowledged that she had received the documents that were attached to the Petition, and marked and moved into evidence as P-1 at the hearing, including address information obtained by Ms. Camarota from her school, which showed that Ms. Camarota had never registered with the Arkansas Ave. Address, employment information evidencing the address on record with her employer was not the Arkansas Ave. Address, bank statements with an address other than the Arkansas Ave. Address, vacation booking paperwork evidencing a mailing address other than the Arkansas Ave. Address, documentation from the Automated Case Management System of the Superior Court that indicated the eviction notice in evidence as R-2 was inaccurate, and Medicaid eligibility paperwork for Petitioner with an address other than the Arkansas Ave. Address. Ms. Rogozinski confirmed that after reviewing the paperwork submitted by Petitioner, she determined it was insufficient to support Ms. Camarota's claim that she had not resided at the Arkansas Ave. Address.

When questioned specifically regarding the notice of eviction, Ms. Rogozinski testified that she received the document from ACE's credit department as a result of their investigation as to who was responsible for the charges to the Arkansas Ave. Address. She acknowledged she had received paperwork from Petitioner consisting of a print-out from the Superior Court's Case Management System that showed the docket number on R-2 was actually associated with a different eviction case. When questioned regarding the misspellings of "Atlantic" and the name of the Clerk of the Special Civil Part in Atlantic County on the eviction notice, Ms. Rogozinski was unaware whether the reasons for the discrepancies were investigated.

On redirect, Ms. Rogozinski testified that she did not recall receiving copies of Petitioner's driver's license or social security card that Ms. Camarota claimed she had faxed to ACE. Ms. Rogozinski testified that she did not have information as to how the account for the Arkansas Ave. Address was established.

On re-cross examination, Ms. Rogozinski again acknowledged that she was not in possession of a recorded conversation or other proof that the account associated with the Arkansas Ave. Address was opened by Petitioner herself.

Petitioner then testified on her own behalf. She testified that she had gathered all documentation at her disposal to show that she did not live at the Arkansas Ave. Address at any time. She also testified that she had the originals of all documents submitted with her at the hearing. She testified that the eviction notice was not legitimate and stressed that Respondent had no proof that Petitioner herself actually opened the electricity account associated with the Arkansas Ave. Address. Petitioner further testified that she was unable to provide a lease for the time in question because she was 18 years old and did not have a lease under her name at that time.

On cross examination, Petitioner admitted that she had entered into a payment plan for the disputed amount, but testified that she did so to avoid having her electricity shut off. She testified that she never made a payment on that amount. When directly questioned, Petitioner testified that she never lived at the Arkansas Ave. Address, and never knew anyone who had lived there. She testified that she never knew of anyone else who was using her social security number. Ms. Camarota also testified that, as an adult, she has never used a name other than her own.

DISCUSSION AND FINDINGS

In customer billing disputes before the Board, Petitioners bear the burden of proof by a preponderance of the competent, credible evidence. See Atkinson v. Parsekian, 37 N.J. 143, 149 (1962). Evidence is found to be 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).

In the initial decision, ALJ Wilson made specific and detailed credibility findings, ultimately accepting Petitioner's testimony as true and concluding that Petitioner did not live at the Arkansas Ave. Address during the period in dispute. ALJ Wilson also found that Petitioner successfully and effectively discredited the document that ACE purported to be a valid eviction notice by furnishing contradictory information that she had obtained through the New Jersey Superior Court in Atlantic County.

Pursuant to the Administrative Procedure Act, "[An] agency head may not reject or modify any findings of fact as to issues of credibility of lay witness testimony unless it is first determined from a review of the record that the findings are arbitrary, capricious or unreasonable or are not supported by sufficient, competent, and credible evidence in the record." N.J.S.A. 52:14B-10(c); N.J.A.C. 2:1-18.6(c). In assessing the weight of the evidence presented, ALJ Wilson had the opportunity to observe the demeanor of Ms. Camarota as she testified, specifically finding her to be credible at the hearing, and diligent and truthful in her dealings with Respondent. Upon review of the record, the Board **FINDS** the credibility determinations by the ALJ are not arbitrary, capricious or unreasonable and therefore **ADOPTS** them.

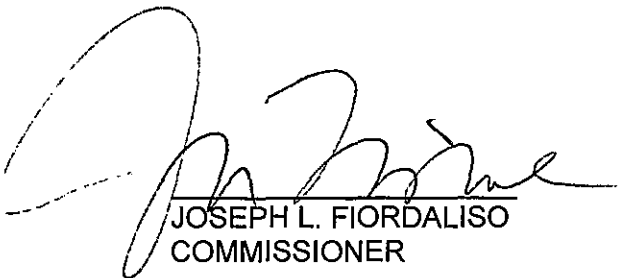
Upon careful review and consideration of the record and ALJ Wilson's credibility determinations, the Board **HEREBY FINDS** the findings of facts and conclusions of law of the ALJ to be reasonable and, accordingly, **HEREBY ACCEPTS** them. Specifically, the Board **FINDS** that Petitioner met her burden of proof by the preponderance of the evidence and **CONCLUDES** that Petitioner is not indebted to Respondent for the outstanding balance of \$2,456.98 accrued from electricity usage at the Arkansas Ave. Address. The Board **HEREBY ADOPTS** the Initial Decision in its entirety and **ORDERS** that ACE immediately issue a credit to Petitioner's ACE Account #38295639**** in the amount of \$2,456.98


This order shall be effective October 30, 2017.

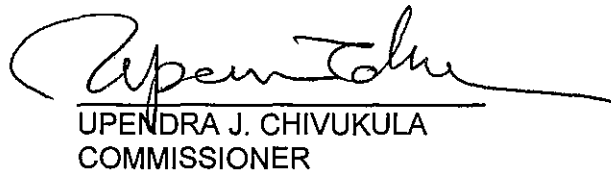
DATED: 10/20/17


BOARD OF PUBLIC UTILITIES
BY:


RICHARD S. MROZ
PRESIDENT

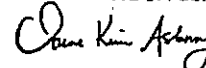

JOSEPH L. FIORDALISO
COMMISSIONER


MARY-ANNA HOLDEN
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



**IN THE MATTER OF JAZMEN CAMAROTA, PETITIONER V.
ATLANTIC CITY ELECTRIC COMPANY, RESPONDENT**

**BPU DOCKET NO. EC16101045U
OAL DOCKET NO. PUC 1874-16**

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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 # [REDACTED]
- 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