



Agenda Date: 1/31/18
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

JARRDD, INC.)	ORDER ADOPTING
Petitioner,)	INITIAL DECISION
)	
v.)	
)	
X-TEL COMMUNICATIONS, INC.)	BPU DOCKET NO. TC16100968U
Respondent.)	OAL DOCKET NO. PUC 3983-17

Parties of Record:

Kristofer B. Chiesa, Esq., for Petitioner Sherman Silverstein, P.A., attorneys
James H. Laskey, Esq., for Respondent, Norris, McLaughlin & Marcus, P.A., attorneys

BY THE BOARD:

By petition filed with the Board of Public Utilities ("Board") on October 11, 2016, Jarrdd, Inc. ("Petitioner") disputed billing charges associated with telephone service provided by X-Tel Communications, Inc. ("Respondent").

Respondent, in its answer filed November 29, 2016, denied the allegations of incorrect billing. On March 22, 2017, the Board transmitted the matter to the Office of Administrative Law for hearing as a contested case and initial disposition 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 N. Rabin.

The parties subsequently voluntarily agreed to resolve the matter and entered into a signed Stipulation of Settlement ("Stipulation") that was submitted to the ALJ on December 18, 2017. Pursuant to the terms of the Stipulation, Petitioner has agreed to resolve the matter and Respondent has agreed to make a payment to Petitioner of \$6,000.00 within 30 days after approval of the Stipulation. The agreement contained in the Stipulation is in full settlement of the issues filed by Petitioner in this docketed matter.

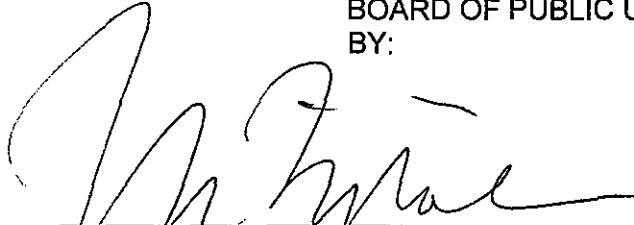
By Initial Decision issued on January 5, 2018, and submitted to the Board on January 8, 2018, to which the Stipulation was attached and made part thereof, ALJ Rabin found that the Stipulation was voluntary, that its terms fully disposed of all issues in controversy and that it satisfied the requirements of N.J.A.C. 1:1-19.1.

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.

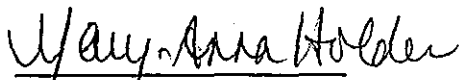
The effective date of this Order is February 10, 2018.

DATED: 1/31/18

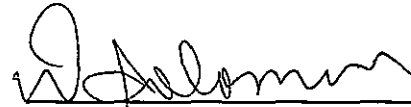
BOARD OF PUBLIC UTILITIES
BY:




JOSEPH L. FIORDALISO
PRESIDENT



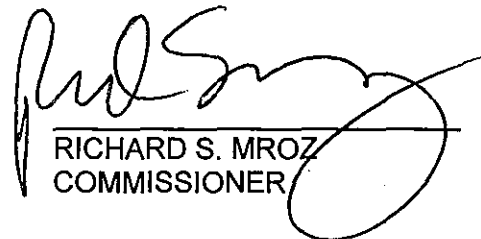
MARY-ANNA HOLDEN
COMMISSIONER



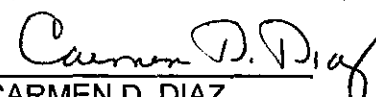
DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER



RICHARD S. MROZ
COMMISSIONER

ATTEST: 

CARMEN D. DIAZ
ASSISTANT BOARD SECRETARY

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

JARRDD, INC.

V.

X-TEL COMMUNICATIONS, INC.
BPU DOCKET NO. TC16100968U
OAL DOCKET NO. PUC 3983-17

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JAN 08 2018

BOARD OF PUBLIC UTILITIES
SECRETARY'S OFFICE



RECEIVED

JAN 08 2018

BOARD OF PUBLIC UTILITIES
MAIL ROOM

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SETTLEMENT

OAL DKT. NO. PUC 3983-17

AGENCY DKT. NO. TC16100968U

JARRDD, INC.,

Petitioner,

v.

X-TEL COMMUNICATIONS, INC.,

Respondent.

Kristofer B. Chiesa, Esq., for petitioner (Sherman Silverstein, attorneys)

James H. Laskey, Esq., for respondent (Norris, McLaughlin & Marcus, P.A.,
attorneys)

Record Closed: December 18, 2017

Decided: January 5, 2018

BEFORE JEFFREY N. RABIN, ALJ:

This matter was transmitted to the Office of Administrative Law on March 22, 2017, 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 parties have agreed to a settlement and have prepared a Settlement Agreement indicating the terms thereof, which is attached and fully incorporated herein.

CMS
D. Leermomas
E. Hartsfield
J. Ford
R. Lambert
R. Matos
K. Flynn
D. Brantley
B. Agce
C. Vachier

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.

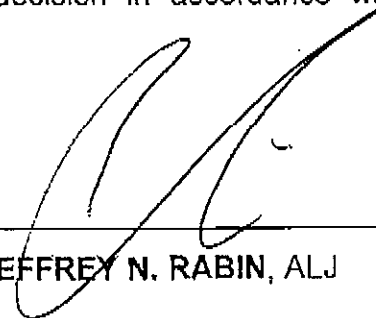
I **CONCLUDE** that this agreement meets the requirements of N.J.A.C. 1:1-19.1 and that the settlement should be approved. I approve the settlement and therefore **ORDER** that the parties comply with the settlement terms and that these proceedings be concluded.

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

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.

January 5, 2018 _____

DATE



JEFFREY N. RABIN, ALJ

Date Received at Agency:

1/8/18

Date Mailed to Parties:

/cb

STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW **FILED**

2017 DEC 18 A 11: 29

STATE OF NEW JERSEY
OFFICE OF ADMIN. LAW

JARRDD, INC.,
Petitioner

v.

XTEL COMMUNICATIONS, INC.,
Respondent

OAL Docket No. PUC 03983-2017S
BPU Docket No. TC16100968U

**STIPULATION OF SETTLEMENT
AND RELEASE**

This matter having been brought before the Office of Administrative Law by the Petitioner, Jarrrdd, Inc. ("Petitioner"), against Xtel Communications, Inc. ("Xtel" or "Respondent"), and the Parties, having agreed to settle this matter, hereby set forth the terms and conditions of their settlement agreement as follows:

1. Within 30 days after approval of this Stipulation by the Board of Public Utilities, Respondent shall make a payment to Petitioner of \$6,000.00.
2. Subject to receipt of the payment referred to in the previous paragraph, Petitioner hereby releases and forever discharges the Respondent, its subsidiaries and affiliates, and each of their respective current or former officers, directors, and employees, of and from any and all commitments, indebtedness, suits, demands, obligations, actions, promises, damages, costs, expenses, fees and liabilities, whether asserted, unasserted, absolute, contingent, known or unknown, or otherwise, of every kind and nature, including, without limitation, all claims and causes of action both in law and in equity, in any forum, venue or jurisdiction, whether federal, state, local, administrative, regulatory or otherwise, to the extent arising from or in connection with any act, omission or state of facts taken or existing prior to the date hereof.
3. This agreement is in full settlement of the Petition filed by Petitioner in October 2016 and the Amended Petition filed by Petitioner on or about August 21, 2017.
4. The undersigned agree that this 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: Jarrdd, Inc.

Respondent: Xtel Communications, Inc.

By: 

By: 

Kristofer B. Chiesa, Esq.
Sherman, Silverstein, Kohl
Rose & Podolsky

James Laskey, Esq.
Norris, McLaughlin & Marcus, P.A.

Date: 12/11/17

Date: 12/14/17