



Agenda Date: 11/20/12  
Agenda Item: VIII

**STATE OF NEW JERSEY**  
Board of Public Utilities  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, NJ 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

CUSTOMER ASSISTANCE

DENNIS McKENZIE,  
Petitioner

v.

PUBLIC SERVICE ELECTRIC AND GAS  
COMPANY,  
Respondent

ORDER OF EXTENSION

BPU DOCKET NO. EC11070420U  
OAL DOCKET NO. PUC397-12

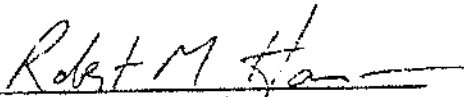
(SERVICE LIST ATTACHED)

The Initial Decision of the Administrative Law Judge was received by the Board of Public Utilities (Board) on October 5, 2012. The 45-day statutory period for review to issue a Final Decision will expire on November 19, 2012. Prior to that date, the Board requests a 45-day extension of time for issuing the Final Decision to review the entire record in this matter due to the interruptions caused by Hurricane Sandy.

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 January 3, 2013.

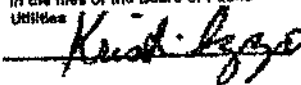
DATED: 11/20/12

BOARD OF PUBLIC UTILITIES  
BY:

  
ROBERT M. HANNA  
PRESIDENT

ATTEST:   
KRISTI IZZO  
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 the Board to execute this Order of Extension on its behalf.

Date Board mailed Order to OAL: 11/20/12

cc: Service List Attached

DATED: 11/20/12



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LAURA SANDERS, ACTING  
DIRECTOR & CHIEF  
ADMINISTRATIVE LAW JUDGE

Date OAL mailed executed Order to Board: 11/21/12 emailed

Date Board mailed executed Order to Parties: 11/22/12

DENNIS McKENZIE

v.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU DOCKET NO. EC11070420U  
OAL DOCKET NO. PUC397-12

SERVICE LIST

Dennis McKenzie  
944 Kensington Avenue  
Plainfield, NJ 07060

Amanda Johnson, Esq.  
PSEG Services Corporation  
80 Park Plaza  
Newark, New Jersey 07102-4194

Eric Hartsfield, Director  
Julie Ford-Williams  
Division of Customer Assistance  
Board of Public Utilities  
P.O. Box 350  
Trenton, NJ 08625-0350

Veronica Beke, DAG  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

for  
10/9/12

REC'D

2012 OCT 5 PM 2 29

NJ BPU  
CASE MANAGEMENT



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

RECEIVED

2012 OCT 5 PM 12 33

NJ BPU  
MAILROOM

**INITIAL DECISION**

OAL DKT. NO. PUC 00397-12

AGENCY DKT. NO. ~~EG1100420U~~

EC11070420U

**DENNIS MCKENZIE,**

Petitioner,

v.

**PUBLIC SERVICE ELECTRIC  
AND GAS COMPANY,**

Respondent.

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**Dennis McKenzie, pro se**

**Sheree Kelly, Esq.,** appearing on behalf of respondent

Record Closed: September 24, 2012

Decided: October 3, 2012

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

**STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

Petitioner Dennis McKenzie (McKenzie or petitioner) filed a complaint before the Board of Public Utilities (BPU) disputing the billing charges of Public Service Electric and Gas (PSE&G) for gas and electrical service provided to 944 Kensington Avenue, Plainfield, New Jersey.

On January 9, 2012, 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 conducted on February 15, 2012, at which time a hearing was scheduled for May 14, 2012. Respondent requested an adjournment of the hearing date, which was granted. The hearing was rescheduled for July 23, 2012. Respondent again requested an adjournment, which was granted. The hearing was held on September 24, 2012, at which time the record closed.

### FACTUAL DISCUSSION AND FINDINGS

Having had an opportunity to hear the testimony, observed the witnesses, and reviewed the exhibits, I **FIND** the following **FACTS**:

McKenzie is a gas and electric customer of PSE&G. On May 8, 2008, McKenzie and PSE&G reached a settlement. The terms of the settlement were:

1. PSEG shall credit petitioner's account in the amount of \$1,172.21.
2. PSEG shall obtain an actual gas meter reading for petitioner's utility account on May 12, 2008, provided petitioner provides access to his property.
3. If petitioner abides by all terms and conditions of the USF assistance program the arrearage balance of \$12,091.94 shall be eliminated from his account.

USF is a low-income program. The Fresh Start Program, a component of USF, is a one-time program for people whose utility bill is more than sixty dollars in arrears. If the Fresh Start Program is successfully completed, the arrears are forgiven. Credits are earned toward the forgiveness of the arrears with payment of the bill. McKenzie successfully completed the Fresh Start Program. He received the following credits from the Fresh Start Program:

June 12, 2008	\$400
August 12, 2008	\$400
September 11, 2008	\$200
October 10, 2008	\$200
November 10, 2008	\$200
December 11, 2008	\$200
February 4, 2009	\$200
June 9, 2009	\$9891.94
July 10, 2009 for April 2009	\$400

McKenzie received a total credit of \$12,091.94.

PSE&G conducted an actual gas reading on May 14, 2008. McKenzie's gas meter was changed on January 28, 2011. It was tested on August 26, 2011. The meter was running at 100.96 percent.

The statement of account shows that a twelve-month installment plan was created for petitioner by PSE&G on November 11, 2010. On February 14, 2011, McKenzie sent PSE&G a check in the amount of \$1545.04. That check was returned by the bank, which caused any installment plan that was in effect at that time to end.

Petitioner's account presently has an outstanding balance of \$8,766.80.

### LEGAL ANALYSIS AND CONCLUSION

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 the meter was registering at 100.96.

It was not registering fast by more than two percent; therefore there is no need for an adjustment. I **CONCLUDE** that the meter was accurate.

Petitioner had a twelve-month installment plan with PSE&G. I **CONCLUDE** that petitioner did not comply with the terms of the installment plan because he attempted to make a payment with a check that the bank returned.

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).

In this matter petitioner stated that PSE&G did not properly credit his account in accordance with the May 8, 2008, agreement. PSE&G provided evidence that it did properly credit petitioner's account. I **CONCLUDE** that petitioner did not prove by a preponderance of the evidence that PSE&G did not properly credit his account in accordance with the May 8, 2008, settlement agreement.

### **ORDER**

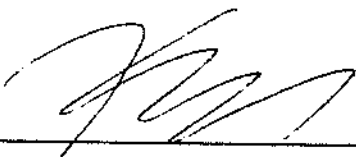
It is therefore **ORDERED** that the petition in this matter be and is hereby **DISMISSED**.

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.

10-3-12  
DATE

  
KIMBERLY A. MOSS, ALJ

Date Received at Agency:

Date Mailed to Parties: **OCT - 4 2012**

ljb

  
DIRECTOR AND  
CHIEF ADMINISTRATIVE LAW JUDGE



**WITNESSES**

For Petitioner:

None

For Respondent:

Edward Sullivan

Clair Bartolomeo

**EXHIBITS**

For Petitioner:

P-1 Dennis McKenzie's PSE&G bill for June 2009

P-2 Letter to Dennis McKenzie from PSE&G dated June 10, 2009

For Respondent:

R-1 Settlement Agreement dated May 8, 2008

R-2 Statement of Account of Dennis McKenzie

R-3 Gas Meter Test

R-4 Letter to Dennis McKenzie from PSE&G dated August 17, 2009