



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CUSTOMER ASSISTANCE

CHERYL HENSLE,
Petitioner

v.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY,
Respondent

) ORDER OF EXTENSION
)
)
)
)
)

) BPU DOCKET NO. GC12110992U
) OAL DOCKET NO. PUC 01097-13

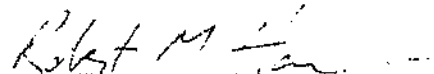
(SERVICE LIST ATTACHED)

The Initial Decision of the Administrative Law Judge was received by the Board of Public Utilities (Board) on March 21, 2013; therefore, the 45-day statutory period for review and the issuing of a Final Decision will expire on May 6, 2013. Prior to that date, the Board requests an additional 45-day extension of time for issuing the Final Decision in order to fully 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 June 20, 2013.

DATED: 4/29/13

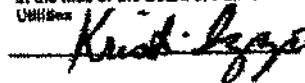
BOARD OF PUBLIC UTILITIES
BY¹:


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

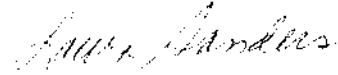


¹ Authorized by Board to execute this Order of Extension on its behalf.

Date Board mailed Order to OAL: 4/30/13

cc: Service List Attached

DATED:



LAURA SANDERS, ACTING
DIRECTOR & CHIEF
ADMINISTRATIVE LAW JUDGE

Date OAL mailed executed Order to Board: 4/30/13

Date Board mailed executed Order to Parties: 4/30/13

CHERYL HENSLE

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU DOCKET NO. GC12110992U
OAL DOCKET NO. PUC 01097-13

SERVICE LIST

Cheryl Hensle
419 Leonia Avenue
Bogota, New Jersey 07603

Amanda Johnson, Esq.
PSEG Services Corporation
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KIMBERSON

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

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CASE MANAGEMENT

INITIAL DECISION
SUMMARY DECISION
OAL DKT. NO. PUC 01097-13
AGENCY DKT. NO. GC12110992U

CHERYL HENSLE,
Petitioner,
v.
**PUBLIC SERVICE ELECTRIC
AND GAS COMPANY,**
Respondent.

Cheryl Hensle, pro se

Amanda Johnson, Esq., for respondent Public Service Electric and Gas

Record Closed: March 6, 2013

Decided: March 14, 2013

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

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioner Cheryl Hensle (Hensle) filed a complaint before the Board of Public Utilities (BPU) disputing the billing of Public Service Electric and Gas Company (PSE&G). The matter was transmitted to the Office of Administrative Law (OAL) and filed on January 29, 2013. A prehearing telephone conference was scheduled for

February 19, 2013. Hensle could not be reached by phone at that time. An in-person prehearing conference is scheduled for March 19, 2013. On February 21, 2013, PSE&G filed a motion to dismiss petitioner's complaint for lack of standing. On February 22, 2013, I sent petitioner a letter stating that she had to respond to PSE&G's motion by March 11, 2013. Petitioner filed a response on March 6, 2013.

FACTUAL DISCUSSION

PSE&G provides electric and gas service to 419 Leonia Avenue, Bogota, New Jersey. The customer of record for that account is not petitioner Cheryl Hensle. The customer of record is petitioner's daughter Stephanie. Petitioner and her daughter Corri were going to appear at the hearing. Petitioner's daughter, Stephanie, is not named as a party in this matter. Petitioner and her daughter Corri do not fit the criteria for non-lawyer representation before the OAL.

LEGAL ANALYSIS AND DISCUSSION

N.J.A.C. 14:3-1.1 provides:

"Customer of record" means the person that applies for utility service and is identified in the account records of a public utility as the person responsible for payment of the public utility bill. A customer may or may not be an end user, as defined herein.

N.J.A.C. 14:3-7(a) provides:

The customer(s) of record, as defined at N.J.A.C. 14:3-1.1, shall be responsible for payment for all utility service rendered.

The standard for determining whether petitioner has standing to assert a cause of action is whether there is "sufficient stake in the outcome of the litigation"; (2) genuine **adverseness** regarding the **subject matter** of the action; and (3) "a **substantial likelihood** that the plaintiff will suffer harm in the event of an **unfavorable** decision."

N.J. Citizen Action v. Riviera Motel Corp., 296 N.J. Super. 402, 409-10 (App. Div. 1997), appeal dismissed, 152 N.J. 361 (1998) (emphasis added).

In this matter petitioner admits that she is not the customer of record. Therefore she is not responsible for payment of the utility service. The customer of record is her daughter. In other words, petitioner does not have a contractual relationship with PSE&G. I **CONCLUDE** that petitioner does not have standing in this matter.

N.J.A.C. 1:1-5.4(a) provides:

Representation by non-lawyers; authorized situations, applications, approval procedures

In conformity with New Jersey Court Rule R. 1:21-1(f), the following non-lawyers may apply for permission to represent a party at a contested case hearing:

1. Persons whose appearance is required by Federal law;
2. State agency employees;
3. County or municipal welfare agency employees;
4. Legal service paralegals or assistants;
5. Close corporation principals;
6. Union representatives in Civil Service and Public Employment Relations Commission cases;
7. Individuals representing parents or children in special education proceedings;
8. County or local government employees in Civil Service cases; and
9. Individuals representing claimants or employers before the Appeal Tribunal or Board of Review of the Department of Labor and Workforce Development.

Petitioner in her response stated that she and another of her daughters, Corri, were going to come to the hearing. Petitioner and her daughter Corri do not fit the

above criteria for non-lawyer representation. I therefore **CONCLUDE** that petitioner does not meet the criteria for non-attorney representation.

ORDER

Based on the foregoing, respondent's motion for summary decision is **GRANTED**. It is hereby **ORDERED** that petitioner's formal petition be **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.

3-14-13

DATE


KIMBERLY A. MOSS, ALJ

Date Received at Agency:

Date Mailed to Parties:

ljb

MAR 15 2013


DIRECTOR AND
CHIEF ADMINISTRATIVE LAW JUDGE