



**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314**  
**Post Office Box 350**  
**Trenton, NJ 08625-0350**  
**www.nj.gov/bpu/**

CUSTOMER ASSISTANCE

<b>PORTER'S AUTOMOTIVE DIAGNOSTICS</b>	)	ORDER ADOPTING
PETITIONER,	)	INITIAL DECISION
	)	SETTLEMENT
V.	)	
	)	
<b>ATLANTIC CITY ELECTRIC COMPANY,</b>	)	BPU DOCKET NO. EC17040388U
RESPONDENT	)	OAL DOCKET NO. PUC 14055-17

**Parties of Record:**

**James Porter**, Petitioner, Pro Se  
**Philip J. Passanante, Esq.**, for Respondent

BY THE BOARD:

**PROCEDURAL HISTORY**

By petition filed with the Board of Public Utilities ("Board") on April 19, 2017 ("Petition"), Porter's Automotive Diagnostics ("Petitioner") disputed charges associated with electrical service provided to Petitioner's business by Atlantic City Electric Company ("Respondent," or "ACE").

In its petition, Petitioner stated that it was incorrectly billed by ACE in the amount of \$3,446.95. Petitioner further stated that the billing issue had gone unresolved for some time.

Respondent, in its answer dated May 22, 2017, denied the allegations that Petitioner was incorrectly billed. ACE requested that the relief sought be denied on the basis that Petitioner failed to set forth a claim upon which relief may be granted.

On September 19, 2017, 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") Elaine B. Frick.

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 February 2, 2018.

Pursuant to the terms of the Stipulation, and in order to fully resolve this matter, Petitioner agreed to make a \$300 payment on or before February 2, 2018, and make an \$800 payment on or before March 15, 2018. In addition to the payments, the meter socket must be repaired and inspected.

Upon the successful completion of the terms above, ACE agreed to re-energize Petitioner's electrical service. The new account will be assessed a \$15.00 connection fee and a \$645.00 security deposit, which can be split into installments on the first three bills. The agreement contained in the Stipulation is in full settlement of the Petition filed by Petitioner.

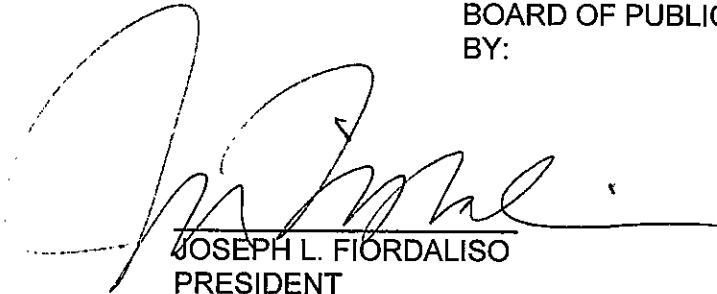
By Initial Decision issued on February 2, 2018, and submitted to the Board on February 9, 2018, to which the Stipulation was attached and made part thereof, ALJ Frick found that the Stipulation was voluntary, that its terms fully disposed of all issues in controversy and that it satisfied the requirements of N.J.A.C. 1:1-19.1.

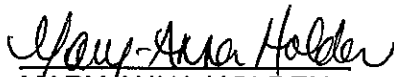
After review of the Initial Decision and the Stipulation, the Board **HEREBY FINDS** that the parties have voluntarily agreed to the settlement as evidenced by their signatures and that, by the terms of the Stipulation, they have fully resolved all outstanding contested issues in this matter. Accordingly, 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 April 5, 2018.


DATED: 3/26/18

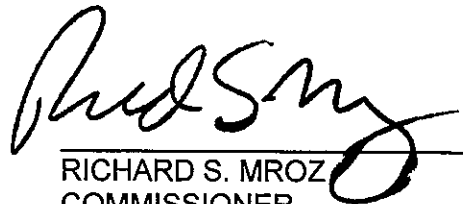
BOARD OF PUBLIC UTILITIES  
BY:

  
JOSEPH L. FIORDALISO  
PRESIDENT

  
MARY-ANNA HOLDEN  
COMMISSIONER

  
DIANNE SOLOMON  
COMMISSIONER

  
UPENDRA J. CHIVUKULA  
COMMISSIONER

  
RICHARD S. MROZ  
COMMISSIONER

ATTEST:   
AIDA CAMACHO-WELCH  
SECRETARY

**PORTER'S AUTOMOTIVE DIAGNOSTICS**

**V.**

**ATLANTIC CITY ELECTRIC COMPANY  
BPU DOCKET NO. EC17040388U  
OAL DOCKET NO. PUC 14055-17**

**SERVICE LIST**

James Porter  
30 Fort Point Road  
Salem, New Jersey 08079

Philip J. Passanante, Esq.  
Associate General Counsel  
ACE- 92DC42  
500 North Wakefield Drive  
Post Office Box 6066  
Newark, DE 19714-6066

Eric Hartsfield, Director  
Julie Ford-Williams, Chief  
Division of Customer Assistance  
Board of Public Utilities  
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Post Office Box 350  
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Andrew Kuntz, DAG  
Department of Law & Public Safety  
Division of Law  
124 Halsey Street  
Post Office Box 45029  
Newark, NJ 07101-45029

RECEIVED  
CASE MANAGEMENT

RECEIVED  
MAIL ROOM

FEB 12 2018

FEB 12 2018

BOARD OF PUBLIC UTILITIES  
TRENTON, NJ

BOARD OF PUBLIC UTILITIES  
TRENTON, NJ



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

**INITIAL DECISION**  
**SETTLEMENT**

OAL DKT. NO. PUC 14055-17

AGENCY DKT. NO. EC17040388U

**PORTERS AUTOMOTIVE  
DIAGNOSTICS,**

Petitioner,

v.

**ATLANTIC CITY ELECTRIC  
COMPANY,**

Respondent.

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James Porter, petitioner, pro se

Philip J. Passanante, Esq., for respondent

Record Closed: February 2, 2018

Decided: February 9, 2018

BEFORE ELAINE B. FRICK, ALJ:

Petitioner, James Porter, disputes charges on his electric bill for the premises, Porter's Automotive Diagnostics, located at 352 E. Broadway, Salem, New Jersey. The matter was transmitted to the Office of Administrative Law (OAL) on September 22, 2016. After several telephone conference calls, a hearing was scheduled for February 5, 2018. Prior to the hearing date, the parties resolved the matter.

*AMS*  
K. Graham  
D. Thomas  
E. Hartsfield  
J. Ford  
R. Lambert  
R. Matos  
K. Flynn  
D. Brantley  
C. Vachier

On February 2, 2018, an executed settlement agreement was filed in the OAL and is attached and fully incorporated herein.

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.

February 9, 2018  
DATE

  
ELAINE B. FRICK, ALJ

Date Received at Agency: 2/12/18

Date Mailed to Parties: \_\_\_\_\_

mph

856 327 9325

10:23:02 a.m. 02-02-2018 2/4

RECEIVED



Atlantic City Electric Company  
1901 Hunting Highway  
Mays Landing, NJ 08220

Atlantic City Electric

An Exelon Company

210 FEB -2 P 1:10

STATE OF NEW JERSEY  
OFFICE OF ADMINISTRATIVE LAW

February 1, 2018

James Porter  
30 Fort Point Rd  
Salem, New Jersey 08079

Re: Porter's Automotive Diagnostics v. Atlantic City Electric Company  
BPU Docket No. EC1704038BU  
OAL Docket No. PUC 14055-2017N  
Atlantic City Electric Account No. [REDACTED]

Dear Mr. Porter:

On behalf of Atlantic City Electric Company ("ACE" or the "Company"), this letter agreement will set forth the terms of a settlement offer regarding the above referenced matter.

This matter arises out of a claim made by you that you are not responsible for electric charges in the amount of \$3,446.95 incurred at the property of 352 E. Broadway in Salem, New Jersey. In order to avoid the time and expense of further contesting this dispute, you and the Company are willing to settle this matter for a payment of \$1,110.00. As previously discussed, a \$300.00 payment must be made and confirmed by ACE - and must be communicated to the Office of Administrative Law - on or before Noon on Friday, February 2, 2018. ACE will then allow you until close of business on Thursday, March 15, 2018 to pay the remaining \$800.00. In addition to payment and as previously discussed, the meter socket must be repaired, inspected, and an inspection card issued by the municipality/township before re-energization can occur.

Upon successful completion of the terms detailed above, ACE will re-energize service at 352 E. Broadway in Salem, New Jersey and establish an account under your business name. Your new account will be assessed a \$15.00 connection fee and a \$645.00 security deposit, which can be split into installments on your first three bills. Failure to fulfill the payment terms of this agreement as outlined herein will result in the required payment increasing from \$1,110.00 to \$1,350.00.

If you agree to these terms and make the initial payment of \$300.00, ACE will request that the Administrative Law Judge assigned to this matter postpone the hearing scheduled for Monday, February 6, 2018 at the Office of Administrative Law in Atlantic City, New Jersey. There is no assurance that Administrative Law Judge Frick will agree to the adjournment.

If agreed to, this letter agreement will be executed by you and the Company for the sole purpose of compromising and settling this dispute. It is expressly understood and

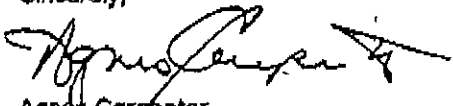
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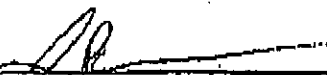
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agreed, as a condition of this compromise, that this agreement shall not constitute or be construed to be an admission on any part of Atlantic City Electric Company or as evidencing or indicating an admission of the truth or correctness of any claims asserted in your Petition dated April 20, 2017. You have further agreed that this letter agreement, once acknowledged and executed by you and an authorized representative of the Company, can be submitted to the Office of Administrative Law and/or the New Jersey Board of Public Utilities as notification of settlement and request for withdrawal of the pending matter.

Kindly indicate your agreement by signing below and returning a fully executed copy to me before Noon on Friday, February 2, 2018. Thank you for your cooperation in this matter.

Sincerely,  
  
Agnes Cargenter  
Sr. Supervisor  
Regulatory/Executive Relations

Acknowledged and agreed by:  
PORTER'S AUTOMOTIVE DIAGNOSTICS

By:   
James Porter

2-2-18  
Date



856 327 9325

10:29:50 a.m. 02-02-2018 4/A



A PHI Company

Customer Payment Receipt

Cashier Id Number: 1500 TTI  
Contract Account: ██████████744  
Date: 02/02/2018  
Time: 10:21:30  
Cash Payment: \$300.00  
Other Payment: \$0.00  
Total Payment: \$300.00

Electronic Check Conversion:  
When you provide a check as payment, you authorize us to either use the information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction.