



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

CUSTOMER ASSISTANCE

SECURE PARKING SYSTEMS,  
Petitioner,

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY,  
Respondent.

) ORDER ADOPTING INITIAL  
) DECISION SETTLEMENT  
)  
)  
)  
) BPU DKT. NO. EC11030115U  
) OAL DKT. NO. PUC04729-11

Parties of Record:

**Daniel V. Esposito, Esq.**, appearing on behalf of Secure Parking Systems  
**Alexander C. Stern, Esq.**, Public Service Electric and Gas Company

BY THE BOARD:

On March 4, 2011, Secure Parking Systems ("Petitioner"), filed a petition with the Board of Public Utilities ("Board") requesting a formal hearing related to a billing dispute with Public Service Electric and Gas Company ("Respondent") for utility services rendered by Respondent for outdoor lighting to a portion of Petitioner's parking lot located in the area around Newark Airport. Respondent had disconnected that service in June 2008 as the account had an outstanding balance of \$10,348.66. In November 2008, that outstanding balance was transferred to Petitioner's guard house on Port Street in Newark.

After the filing of Respondent's answer, the Board transmitted this matter to the Office of Administrative Law ("OAL") for hearing and initial disposition 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. This matter was assigned to Administrative Law Judge ("ALJ") Kimberly A. Moss.

While this matter was pending at the OAL, the parties engaged in negotiations and entered into and signed a Stipulation of Settlement ("Stipulation") that was submitted to the ALJ. By Initial Decision issued on July 18, 2011, and submitted to the Board on July 20, 2011, to which the Stipulation was attached and made part thereof, ALJ Moss 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.


Pursuant to the terms of the Stipulation, Respondent will credit Petitioner's Port Street account in the amount of \$3,348.66 to bring the outstanding balance associated with the outdoor lighting for the parking lot to \$7,000.00. In addition to continuing to timely pay monthly utility bills submitted by Respondent commencing with the September 2011 bill, Petitioner has agreed to satisfy the \$7,000.00 outstanding balance by submitting supplemental payments to Respondent of \$1,000.00 per month for seven (7) months. Respondent also agreed to reactivate outdoor lighting service to the parking lot within 15 days of the execution of the Stipulation. In return, Petitioner acknowledged that no equipment can be placed on Respondent's equipment or facilities without coordination with and approval of Respondent. Petitioner further agreed that within 15 days of the execution of the Stipulation, it would coordinate with Respondent's Infrastructure Access Specialists to ensure that an appropriate "Surveillance Camera" Attachment license agreement is entered into and that all facilities requested by Petitioner shall be connected pursuant to N.J.A.C. 14:3-2.3. Respondent has also agreed that, should Petitioner pay the one-time license fee of \$1,000.00, Respondent shall bill Petitioner for its pole attachments prospectively from September 2011, forward.

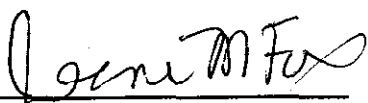
After review of the record and the Stipulation of Settlement of the parties, the Board HEREBY FINDS that the parties have voluntarily agreed to the settlement as evidenced by their signatures and that by the terms of the Stipulation of Settlement, have fully resolved all outstanding contested issues in this matter.

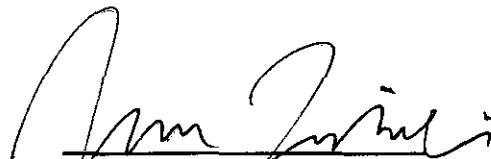
Accordingly, the Board HEREBY ADOPTS the Initial Decision and the Stipulation of Settlement executed by the parties in their entirety as if fully set forth herein.


DATED: 8/18/11

BOARD OF PUBLIC UTILITIES  
BY:

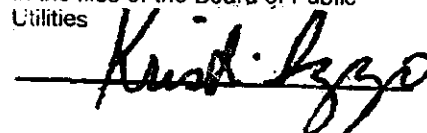
  
LEE A. SOLOMON  
PRESIDENT

  
JEANNE M. FOX  
COMMISSIONER

  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
NICHOLAS ASSELTA  
COMMISSIONER

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



ATTEST:  
  
CARMEN DIAZ  
ACTING SECRETARY

SECURE PARKING SYSTEMS

V.

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

BPU DOCKET NO. EC11030115U  
OAL DOCKET NO. PUC04729-11

SERVICE LIST

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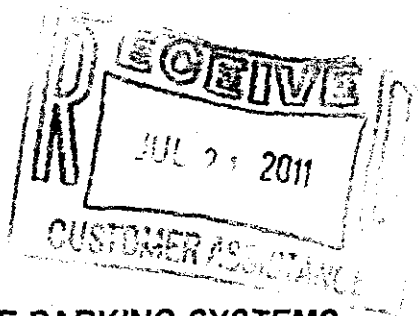
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BOARD OF PUBLIC UTILITIES  
TRENTON, N.J.



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



**INITIAL DECISION**

**SETTLEMENT**

OAL DKT. NO. PUC 04729-11

AGENCY DKT. NO. EC11030115U

**SECURE PARKING SYSTEMS,**

Petitioner,

v.

**PUBLIC SERVICE ELECTRIC AND GAS  
COMPANY,**

Respondent.

*CMS  
Beslow  
JAG (A)  
RPA  
Lee Thomas  
Amf...  
Ford-Williams*

**Daniel V. Esposito, Esq.** appearing on behalf of petitioner

**Alexander C. Stern, Esq.** on behalf of respondent (PSE&G Services Corporation)

Record Closed: July 18, 2011

Decided: July 18, 2011

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

On April 27, 2011, 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 scheduled and conducted on June 2, 2011. During the pendency of the prehearing the parties engaged in extensive settlement discussions. A follow up status conference was scheduled and conducted on July 5, 2011. On July 18, 2011 respondent submitted the fully executed Stipulation of Settlement, which is incorporated herein by reference.

I have reviewed the record and terms of the Stipulation of Settlement and **FIND:**


1. The parties have voluntarily agreed to the settlement as evidenced by the signatures of the parties or their representatives.
2. The settlement fully disposes of all issues in controversy and is consistent with law.

I **CONCLUDE** that the agreement meets the requirements of N.J.A.C. 1:1-19.1 and therefore, it is **ORDERED** that the parties comply with the settlement terms and that these proceedings be and are hereby 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 (45) 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.

7/18/11  
DATE

  
KIMBERLY A. MOSS, ALJ

Date Received at Agency:

\_\_\_\_\_

Date Mailed to Parties:

\_\_\_\_\_

ljb

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

Secure Parking Systems	)	
	)	BPU DOCKET NO. EC11030115U
Petitioner,	)	OAL DOCKET NO. 04729-2011N
	)	
v.	)	
	)	<b>STIPULATION OF SETTLEMENT</b>
Public Service Electric & Gas Company	)	
	)	
Respondent.	)	

OFFICE OF ADMINISTRATIVE LAW  
NEW JERSEY  
JUN 18 2 33 PM '11

On or about March 22, 2011 Petitioner filed the above-referenced billing dispute. Public Service Electric & Gas Company ("PSE&G" or "Respondent") filed an answer to Petitioner's petition and the New Jersey Board of Public Utilities ("NJBP" or "Board") transmitted the matter to the Office of Administrative Law ("OAL") as a contested case for adjudication.

In the interests of resolving this matter without further delay, extensive effort and cost, the parties hereto agreed to settle this matter in accordance with the following terms:

1. On or about June 13, 2008, PSE&G discontinued service to an outdoor lighting account providing outdoor lighting service to a portion of Petitioner's parking lot located in the area around Newark Airport (hereinafter "Bay Ave account"). At that time, the account had an outstanding overdue balance of \$10,348.66 as no payments for outdoor lighting services had been rendered for over a year.

2. On or about November 13, 2008, PSE&G transferred the balance owed by Petitioner for service in connection with the Bay Ave account to Petitioner's account for electric service associated with the guardhouse at 138 Port Street, Newark, New Jersey ("Port Street account").

3. PSE&G agrees to credit \$3,348.66 to Petitioner's Port Street account to bring the outstanding overdue balance owed associated with the transferred balance from the Bay Ave account to \$7,000.

4. PSE&G further agrees to reactivate outdoor lighting service for the lights associated with the Bay Ave account within 15 days of execution of this Stipulation of Settlement.

5. Petitioner agrees that in addition to continuing to timely pay monthly PSE&G utility bills, commencing with Petitioner's September 2011 PSE&G utility bill, to satisfy the \$7,000 outstanding overdue balance due for past outdoor lighting electric service, it shall submit supplemental monthly payments to PSE&G of \$1000.00 per month for seven (7) months.

6. If Petitioner fails to keep the agreement as set forth in the arrangement established in paragraph 5 above, it is understood by Petitioner that PSE&G may exercise its authority in accordance with its tariff and the provisions of N.J.A.C. 14:3-3A.1 et seq.

7. Petitioner acknowledges that, consistent with Board regulations, no equipment shall be placed on PSE&G equipment or facilities without the appropriate coordination and approval of PSE&G.

8. Petitioner further agrees to, within 15 days of execution of this Stipulation of Settlement, coordinate with PSE&G Infrastructure Access Specialists to ensure that an appropriate PSE&G "Surveillance Camera Attachment" license agreement is entered into for any and all surveillance cameras Petitioner has or would like to have on PSE&G poles provided that any requested attachments are located and attached in accordance with standard industry practice as required by N.J.A.C. 14:3-2.3. In furtherance of this provision of the settlement, assuming Petitioner makes payment of the appropriate one-time license agreement fee of \$1,000 for its parking facility, PSE&G agrees to bill Petitioner for its pole attachments prospectively from September 2011 forward.

9. This agreement is in settlement of the Petition filed by Petitioner on or about March 22, 2011.

10. 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.

PSEG SERVICES CORPORATION  
Attorneys for PSE&G

DATED: 7/12/11

By: Alexander C. Stern  
Alexander C. Stern, Esq.  
Assistant General Regulatory Counsel

SPS Secure Parking Systems

DATED:

By: Ed Danberry  
Ed Danberry  
President, SPS Parking LLC