



Agenda Date: 1/23/13  
Agenda Item: VIIC

**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

JOSEPHINE P. DiDONATO,	)	ORDER ADOPTING
Petitioner	)	INITIAL DECISION SETTLEMENT
V.	)	
	)	
TRENTON WATER WORKS,	)	BPU DKT. NO. WC11100646U
Respondent	)	OAL DKT. NO. PUC1722-12

**Parties of Record:**

**Josephine P. DiDonato**, Petitioner, appearing pro se  
**George R. Saponaro, Esq.**, on behalf of Respondent, Trenton Water Works

BY THE BOARD:

On October 18, 2011, Josephine P. DiDonato (Petitioner) filed a petition with the Board of Public Utilities (Board) requesting a formal hearing related to a billing dispute with Trenton Water Works (Respondent) for water and sewer services rendered by Respondent.

Specifically, Petitioner disputed her May 27, 2011 water bill for \$387.43 and a \$651.40 sewer bill for the second half of 2011. Petitioner noted that her sewer bill was based on water consumption and typically averaged around \$80.00 per month. Based on the May 2011 bills, Petitioner was convinced that her meter was malfunctioning, despite Respondent's assertion to the contrary, and asked that it be changed. Respondent did not file an answer.

On February 10, 2012, this matter was filed with 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. and assigned to Administrative Law Judge (ALJ) Patricia M. Kerins.

While this matter was pending at the OAL, the parties engaged in negotiations and executed a Consent Order (Consent) that was submitted to the ALJ for signature on December 20, 2012. By its terms, the parties agreed that the Consent represents a resolution of all disputes in the matter and that Respondent must issue a \$304.70 refund to Petitioner.

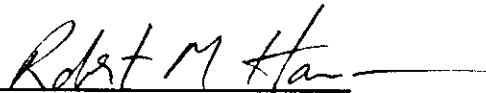
By Initial Decision issued on December 20, 2012, to which the Consent was attached and incorporated, ALJ Kerins found that the Consent was voluntary, that its terms fully disposed of all issues in controversy and that it satisfied the requirements of N.J.A.C. 1:1-19.1.

Upon its review of the record and the Initial Decision and Consent Order submitted to the Board on December 27, 2012, the Board **HEREBY FINDS** that the parties have voluntarily agreed to the Consent as evidenced by their signatures and that its terms fully resolved all outstanding contested issues in this matter.

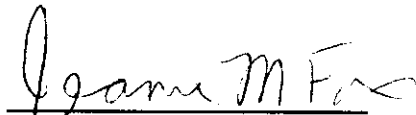
Accordingly, the Board **HEREBY ADOPTS** the Initial Decision and Consent executed by the parties in their entirety as if fully set forth herein.

DATED: 1/23/13

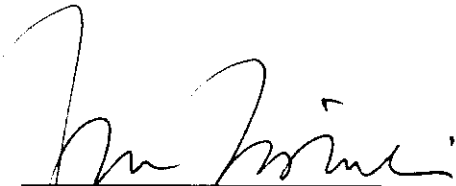
BOARD OF PUBLIC UTILITIES  
BY:



ROBERT M. HANNA  
PRESIDENT



JEANNE M. FOX  
COMMISSIONER



JOSEPH L. FIORDALISO  
COMMISSIONER

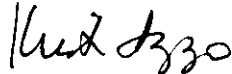


NICHOLAS ASSELTA  
COMMISSIONER



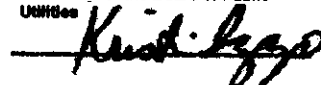
MARY-ANNA HOLDEN  
COMMISSIONER

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



JOSEPHINE P. DiDONATO

V.

TRENTON WATER WORKS

BPU DOCKET NO. WC11100646U  
OAL DOCKET NO. PUC1722-12

SERVICE LIST

Josephine P. DiDonato  
215 Berwyn Place  
Lawrenceville, New Jersey 08648

George R. Saponaro, Esq.  
Saponaro & Sitzler  
27 Cedar Street  
Mount Holly, New Jersey 08060

Eric Hartsfield, Director  
Julie Ford-Williams  
Division of Customer Assistance  
Board of Public Utilities  
44 South Clinton Avenue  
Post Office Box 350  
Trenton, New Jersey 08625

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

*Handwritten:* 12/23/12

REC'D

2012 DEC 27 PM 3 04

NJ S.U.  
CASE MANAGEMENT



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

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2012 DEC 27 PM 2 12

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**INITIAL DECISION**

**SETTLEMENT**

OAL DKT. NO. PUC 1722-12

AGENCY DKT. NO. WC-11100646U

**JOSEPHINE P. DIDONATO,**

Petitioner,

v.

**TRENTON WATER WORKS,**

Respondent.

---

**Josephine P. DiDonato**, petitioner, pro se

**George R. Saponaro**, Esq., for respondent

Record Closed: December 20, 2012

Decided: December 20, 2012

BEFORE **PATRICIA M. KERINS**, ALJ:

This matter was transmitted to the Office of Administrative Law on February 10, 2012, 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 Consent Order indicating the terms thereof, which 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.

December 20, 2012  
DATE

Patricia M. Kerins  
PATRICIA M. KERINS, ALJ

Date Received at Agency:

\_\_\_\_\_

Date Mailed to Parties:

12/31/12

lam

*Law Offices*  
*of*  
*Saponaro & Stizler*

The Newbold House  
27 Cedar Street  
Mount Holly, New Jersey 08060  
Ph.(609) 518-1256  
Ph.(609) 267-8080  
Fax (609) 518-1257

December 12, 2012

GEORGE R. SAPONARO  
Member NJ and MD Bars  
WILLIAM E. STIZLER  
Member NJ Bar

RECEIVED  
2012 DEC 12 A 10:43  
DOUGLAS E. BURRY  
Member NJ and PA Bars  
KATELYN M. McELMOYL  
Member NJ and PA Bars  
STATE OF NEW JERSEY  
OFFICE OF THE CLERK

Ms. Josephine DiDonato  
215 Berwyn Place  
Lawrenceville, NJ 08648

Re: Josephine DiDonato v. Trenton Water Works  
Docket No. WC-11100646U

Dear Ms. DiDonato:

You may recall that I had occasion to speak with you as well as the Honorable Patricia Kerins, A.L.J., during a phone conference a little more than a month ago. At that time we were able to resolve all issues with respect to the case. I forwarded to your home a Consent Order which the Court will require.

I apologize for any confusion in this matter however the Court does require that either a Consent Order be executed by you and my office, or otherwise, that you write to the Court and indicate that you are withdrawing the matter. Judge Kerin's chambers called my office inquiring as to the status of the Consent Order. I forwarded to you a copy of this dated November 14, 2012.

Would you kindly return to my office a signed copy of this Consent Order. For your convenience I am forwarding to you another copy of the same. Once I have your signed copy I will also execute it and forward it to the court so this case may be formally disposed. Should you have any questions please do not hesitate to contact me.

Sincerely,

  
GEORGE R. SAPONARO

GRS:ame  
Encl.  
Cc: Honorable Patricia Kerins, A.L.J. 

RECEIVED  
2012 DEC 20 AM 11:45  
SUPERIOR COURT OF NEW JERSEY  
MERCER COUNTY

**GEORGE R. SAPONARO, ESQUIRE**  
**Law Offices of Saponaro & Sitzler**  
**THE NEWBOLD HOUSE**  
**27 CEDAR STREET**  
**MOUNT HOLLY, NEW JERSEY 08060**  
**(609) 518-1256**  
**Attorney for Defendants City of Trenton, Trenton Water Works**

		SUPERIOR COURT OF NEW JERSEY
JOSEPHINE P. DIDONATO	:	LAW DIVISION
	:	MERCER COUNTY
Plaintiff,	:	DOCKET NO. WC-11100646U
	:	OAL DOCKET NO: PUC-1722-12
vs.	:	Civil Action
	:	
TRENTON WATER WORKS,	:	<b>CONSENT ORDER</b>
	:	
Defendant.	:	
	:	

**THIS MATTER** having come before the Court by way of a Settlement Conference occurring in 2012, and

1. The Court having held a follow-up telephone conference between Josephine DiDonato, *Pro Se*, and George R. Saponaro, Esquire, attorney for the City of Trenton in the above captioned matter;

2. The Parties having agreed to settle the above captioned matter amicably by way of Consent Agreement.

**IT IS** on this <sup>4th</sup> 28 day of December 2012, hereby ordered with the Consent of the parties City of Trenton, Trenton Water Works shall issue a refund to *Pro Se* Plaintiff Josephine DiDonato. The total refund shall be in the amount of \$304.70.

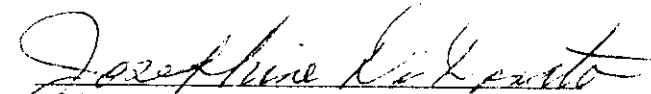
The Parties agree that this settlement is in contemplation of an amicable resolution of all disputes and is not to be used for any precedent in any future proceedings between these parties or any other parties.

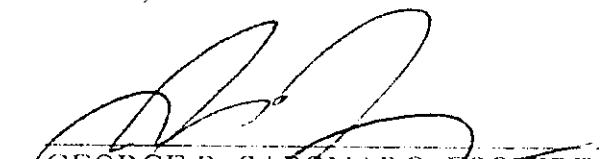
**IT IS FURTHER ORDERED** that each party shall pay their own counsel fees and costs associated with this action.

**IT IS FURTHER ORDERED** that the Consent Agreement reached is without prejudice against either party.

  
Patricia M. Terini, J.S.C. ALJ

We, the undersigned, hereby consent to the form, content and entry of the within Order.

  
JOSEPHINE DIDONATO, PRO SE

  
GEORGE R. SAPONARO, ESQUIRE  
Attorney for the City of Trenton